



FOR INFORMATION

NUMERO DU DOSSIER/FILE #: 2015-012752

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: SECRET

TITRE/TITLE: Drug-Impaired Driving (Marijuana)

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

- This note provides an overview of the issues relating to drug-impaired driving [REDACTED]
 - There is currently no "legal limit" for drugs as there is for alcohol.
 - The legalization of marijuana could lead to a significant increase in drug-impaired driving.
 - There have been calls from Mothers Against Drunk Driving and the Canadian Association of Chiefs of Police for "legal limits" on impairing drugs.
- [REDACTED]

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Sarah Geh

Revue dans l'ULM par/Edited in the MLU by:

Matt Ignatowicz

Soumis au CM/Submitted to MO: February 15, 2016



Secret
FOR INFORMATION

2015-012752

MEMORANDUM FOR THE MINISTER

Drug-Impaired Driving (Marijuana)

ISSUE

s.21(1)(a)

This note provides an overview of the issues relating to drug-impaired driving [REDACTED]

BACKGROUND

Impaired driving continues to kill and injure more Canadians than any other crime. In 2013, 97% of impaired driving incidents involved alcohol and 3% involved drugs. However, experts believe that drug-impaired driving is under-reported as it is more difficult for police to detect impairment by a drug. Cannabis is the most common impairing drug found in drivers. In a 2012 survey of drivers in British Columbia, 10.1% tested positive for drugs. Of these, 43.6% tested positive for cannabis and 33.0% tested positive for cocaine.

The *Criminal Code* prohibits driving while one's ability is impaired by alcohol or drugs or a combination of these. It is a separate offence to drive with a Blood Alcohol Concentration in excess of 80 mg of alcohol in 100 ml of blood (over 80). There is no similar "legal limit" for drugs. Police are authorized to demand breath samples, blood samples (sometimes) and compliance with physical tests. It is also an offence to refuse to comply with a valid demand. (Annex 1 sets out the relevant offences, penalties, investigative powers and procedures.)

Police can lay a charge of drug-impaired driving when there are signs of impairment and evidence that they are caused by a drug. The indicia of drug-impairment vary depending on the drug and, without training, drug-impairment can be hard to detect. The *Criminal Code* authorizes the police to demand that a driver perform standard field sobriety tests (SFST) at the roadside. If the person fails the 3-step SFST, the officer could then demand that an evaluation be conducted by an officer who is trained in the 12-step Drug Recognition and Evaluation (DRE) to determine whether the person is impaired by a drug and, if so, which class of drug is involved. DRE evidence is admissible at trial to prove the offence but SFST evidence is not. The DRE program has had a positive impact but challenges remain, in terms of training, retention and litigation.

CONSIDERATIONS

The legalization of marijuana could lead to a significant increase in the number of drug-impaired drivers. There is limited data available from two jurisdictions. In Colorado, in the year following marijuana legalization, there was a 32% increase in marijuana-related traffic deaths. In Washington, which legalized cannabis in 2012, the Washington Traffic Safety Commission

reported, in 2014, that 84.3% of drivers who tested positive for cannabinoids were positive for THC; this number almost doubled from the 44.4% in 2010. Of the 75 drivers involved in fatal crashes who tested positive for THC, 38% exceeded the statutory threshold limit of 5 ng/ml. The Washington Traffic Safety Commission noted, as well, that this data was insufficient to determine the link between THC and crash risk. While the DRE provisions could be strengthened, this response, alone, would be insufficient to respond to an increase in marijuana impaired driving. This is because there is an insufficient number of trained officers to conduct SFST and DRE evaluations, particularly in rural areas.

Mothers Against Drunk Driving Canada and the Canadian Association of Chiefs of Police have called for "legal limits" on impairing drugs in the body and for mandatory roadside oral fluid drug screening tests, as has been done in many jurisdictions. This approach would be akin to the legislation for the over 80 offence and roadside breath testing to screen for alcohol. (Annex 2 lists those jurisdictions that are known to have a legal limit on THC, the impairing ingredient of cannabis, in the blood.)

The Drugs and Driving Committee (DDC) of the Canadian Society of Forensic Science (CSFS) provides scientific advice to the federal government on this issue. It has been reviewing the scientific literature on legal limits for various impairing drugs, including THC, heroin, and cocaine. The DDC has also considered the reliability of the technology for oral fluid drug screening at the roadside. The DDC is seeking funding to test oral fluid drug screeners in the field to determine their suitability for use by police in Canadian conditions to detect THC and some other drugs.

s.14

s.21(1)(a)

s.23



CONCLUSION

s.21(1)(a)
s.23

ANNEXES

- Annex 1: Impaired Driving – Overview of *Criminal Code* Provisions
Annex 2: U.S. States and other countries with legal limits of THC

PREPARED BY

Greg Yost
Counsel
Criminal Law Policy Section
613-941-4126

Joanna Wells
Counsel
Criminal Law Policy Section
613-957-4688

Hal Pruden
Counsel
Criminal Law Policy Section
613-941-4138

ANNEX 1

IMPAIRED DRIVING – OVERVIEW OF CRIMINAL CODE PROVISIONS

OFFENCES: The basic offences are:

- Driving while impaired by alcohol or a drug or a combination of alcohol or a drug
- Driving with a Blood Alcohol Concentration (BAC) over 80 mg/100 mL of blood
- Refusal without a reasonable excuse to comply with a demand

There are separate offences for each of these offences where they cause bodily harm or death. A person cannot be convicted of both impaired and over 80 for the same incident.

PENALTIES:

Mandatory minimum penalties (MMPs) whether prosecuted summarily or on indictment:

- 1st offence – \$1,000
- 2nd offence – 30 days imprisonment
- 3rd offence – 120 days imprisonment

Section 255(3.3) makes these mandatory minimums also apply to offences causing bodily harm or death.

Maximum penalties:

- Basic offence – 18 months on summary conviction and 5 years on indictment
- Offences causing bodily harm – 14 years
- Offences causing death – life imprisonment

Section 255(5) allows a court to grant a conditional discharge for the offender to obtain curative treatment. This section was enacted in 1985 and only applies where proclaimed in force on the request of a province. It is not in force in ON, QC, BC and NL.

A BAC over 160 is an aggravating factor for sentencing.

Prohibitions from driving:

Basic offences

- 1st offence – 1 to 3 years (eligible for ignition interlock after 3 months)
- 2nd offence – 2 to 5 years (eligible for ignition interlock after 6 months)
- 3rd offence – 3 years to life (eligible for ignition interlock after 12 months).

If the person is convicted of causing a death, there is no minimum and the maximum is life.

If the person is convicted of causing bodily harm, there is no minimum and the maximum is 10 years.

It is an offence to drive while prohibited except if the person is enrolled in and complying with an ignition interlock program.

Investigating over 80 driving: A police officer who suspects that a driver has alcohol in his body can demand a roadside breath test on an approved screening device (ASD) or that the person perform three

standardized field sobriety tests (SFST). The person must comply and is not entitled to consult counsel. Since the person has not consulted counsel, the results of these tests cannot be used to prove the offence.

If the ASD indicates WARN, the police can impose provincial sanctions as the person is over 50 but under 80. If the ASD indicates FAIL or, in the opinion of the officer, the person has failed SFST, the police can demand that the person submit to a breath test at the station on an approved instrument (AI). If the person is incapable of providing a breath sample, the police can demand a blood sample.

The person must be given the opportunity to consult counsel before the AI breath test or the taking of a sample of blood.

It is not necessary that the officer use an ASD or SFST to justify a demand for an AI test. Indicia of alcohol-impairment may be sufficient to lay the impaired driving charge.

Investigating drug-impaired driving: There are no legal limits on the concentration of any drug in the blood and there is no roadside screening for drugs. A police officer who suspects that a driver has a drug in the body can only demand that the person perform SFST.

Where the person fails SFST, the officer can demand that the person submit to an evaluation by an officer trained in Drug Recognition and Evaluation (DRE) at the station.

DRE is a 12 step program that use physical indicia (blood pressure, muscle tone, reaction to light etc.) and performance on divided attention tests to determine whether the person is impaired by a drug and, if so, which class of drug is causing the impairment.

The person must be given the right to counsel before submitting to the DRE examination.

Proving the over 80 offence: The BAC produced by an AI is proven if the AI was in proper working order and was operated properly.

The Code requires that there be two breath tests at least 15 minutes apart and the lower of the two results is used.

The offence, however, is over 80 at the time of driving not at the time of testing. BAC at time of testing is deemed to be BAC at time of driving if the first breath test was performed within two hours of the driving. If the first test is beyond two hours, a toxicologist must calculate what the BAC would have been at time of driving.

Proving the drug-impaired driving offence:

The offence is proven on the basis of the evidence of impairment shown at the time of driving, together with evidence of a drug that caused the observed impairment e.g., the officer smelled marijuana and the driver admitted using it.

Where a DRE has performed an evaluation, his or her opinion on impairment is admissible but it is only one piece of evidence to be weighed by the judge.

ANNEX 2

Unlike a blood alcohol concentration that can be correlated to the consumption of "standard drinks", there is no "standard marijuana joint," for example, to which THC or its metabolites in the blood or urine can be correlated. It cannot be said that "x" joints will get a particular person to "y" nanograms of THC.

Four states in the U.S.—Colorado, Washington, Oregon and Alaska—and the District of Columbia, have recently legalized access to cannabis, although it remains illegal under federal law.

US States with a legal limit on THC (7 States)

Colorado: 5 ng/ml of THC in blood

Iowa: 50 ng/ml of carboxy THC metabolites in urine

Montana: 5 ng/ml of THC in blood.

Nevada: 2 ng/ml of THC in blood or 10 ng/ml in urine

5 ng/ml of marijuana metabolite in blood or 15 ng/ml in urine

Ohio: Marijuana 10 ng/ml in urine; 2 ng/ml in blood

Marijuana metabolite 35 ng/ml in urine; 50 ng/ml in blood

Marijuana metabolite in combination with alcohol or other drugs -15 ng/ml in urine;
5 ng/ml in blood

Pennsylvania: 1 ng/ml of THC or its metabolites in blood is a violation of the administrative, highway traffic limit but is not enough to convict for offenses requiring impairment. In such a proceeding the state must show actual impairment.

Washington: THC in the blood above 5 ng/ml

US States with Zero Tolerance – presence in the blood is an offence (12 States)

Arizona, Delaware, Georgia, Illinois, Indiana, Iowa, Michigan, Oklahoma, Rhode Island, South Dakota, Utah, Wisconsin

US States with Legislative Defences for Medical Marijuana

States with THC Legal Limits: Ohio

States with Zero tolerance: Arizona, Delaware, Indiana, Michigan, Utah, Wisconsin

Rates of THC-impaired driving before and after legalization

According to the Colorado Department of Transport, in 2011 (the year before marijuana was legalized), 8.9% of drivers involved in fatal crashes tested positive for cannabis. In 2012 (the year marijuana was legalized), 5.7% of drivers involved in fatal crashes tested positive for cannabis. In 2014 (when retail businesses started operating), 12.1% of drivers in fatal crashes tested positive.

According to the Rocky Mountain High Intensity Drug Trafficking Area, toxicology reports with positive marijuana results of active THC for primarily driving under the influence have increased 45% in one year.

According to the Washington Traffic Safety Commission, from the last half of 2013 (when recreational retail outlets opened) to the first half of 2015 the percentage of suspected impaired drivers testing positive for THC increased from 22.2% to 32.7%.

Some Other Countries with THC legal limits

Australia: All Australian states have a zero tolerance approach with random roadside testing.

United Kingdom: 2 ng/ml of THC in blood

Norway: Tiered penalties for 1.3 ng/ml, 3 ng/ml and 9 mg/ml of THC in blood

Ireland:¹ 1 ng/ml of THC or 5 ng/ml of cannabis metabolite in blood within three hours of driving.

¹ Legislation introduced in January 2016 but not passed.



Department of Justice
Canada

Ministère de la Justice
Canada

FOR APPROVAL

NUMERO DU DOSSIER/FILE #: 2015-014182

COTE DE SÉCURITÉ/SECURITY CLASSIFICATION: PROTECTED B

TITRE/TITLE: Public Confidence in the Criminal Justice System for Inclusion in the Departmental Performance Report

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

- You approval is sought to include two public opinion research questions relating to public confidence in adult and youth criminal laws in a longer national survey which will collect data in March 2016. Should you approve, the results to these questions will be reflected in the Departmental Performance Report.
- The questions represent a narrowing of focus from public confidence views on the criminal justice system to public confidence in the adult and youth laws only. Questions on confidence in the criminal justice system were last tracked in as part of the 2011 Survey on Public Support for Legal Aid and Public Confidence in the Justice System.
- One of the objectives identified in the Department's Report on Plans and Priorities is that Canadians have confidence in adult and youth criminal laws. The Department is therefore required to report on trends in public perceptions of the justice system in the Departmental Performance Report. These two questions will provide timely information that will enable the Department to fulfill these mandatory reporting requirements.

Approbation/signature de la ministre demandée pour le/Minister's signature/approval requested by:

February 29, 2016

Soumis par (secteur)/Submitted by (Sector): Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team: Stéphanie Poliquin

Revue dans l'ULM par/Edited in the MLU by: Matt Ignatowicz

Soumis au CM-Submitted to MO: February 26, 2016 .



Protected B
FOR APPROVAL

2015-014182

MEMORANDUM FOR THE MINISTER

Public Confidence in Criminal Law for Inclusion in the Departmental Performance Report

ISSUE

Your approval is sought to include two public opinion research questions (attached as Annex 1) relating to public confidence in adult and youth criminal law in a longer omnibus survey to be distributed in early March 2016. The results of these two questions are needed in order to be able to report on these indicators in the Departmental Performance Report (DPR).

BACKGROUND

The two public confidence questions have a more narrow focus in 2016 compared to previous years' questions. Instead of reporting on confidence in the criminal justice system, the DPR has been updated to refer to confidence in criminal law. The questions on confidence in the justice system were last asked as part of the 2011 Survey on Public Support for Legal Aid and Public Confidence in the Justice System.

CONSIDERATIONS

One of the objectives identified in the Department's Report on Plans and Priorities is that Canadians have confidence in the criminal law. The Department is therefore required to report on trends in public perceptions of these laws in the Departmental Performance Report. These two questions will provide timely information that will enable the Department to fulfill these mandatory reporting requirements.

Should you approve, these questions will be added to a longer national survey which will include questions from other institutions and organizations (called an omnibus survey). The public opinion research firm that will administer these questions will be selected through the competitive standing offer process managed by Public Services and Procurement Canada. Upon approval, the questions will be in the field for two weeks in early March. It is anticipated that final results will be available by the end of March 2016.

The *Library and Archives Canada Act* requires that an Executive Summary and all instruments developed for a public opinion research be submitted to Library and Archives Canada within six months of the completion of the field work.

Should this work be approved, it will be included in the 2015–2016 Annual Departmental Public Opinion Research Plan.

RECOMMENDATION

It is recommended that you approve the two questions (attached as Annex 1) on public confidence in criminal law be included in a public opinion survey. Should you approve, the results to these questions will be reflected in the Departmental Performance Report.

ANNEXES

Annex 1: Questions on Public Confidence in Criminal Law

PREPARED BY
Cherami Wichmann
Senior Research Officer
Research and Statistics Division
613-954-4978

☒ I CONCUR.

☐ I DO NOT CONCUR.

☐ OTHER INSTRUCTIONS:

Original signed by /
Original signé par

The Honourable Jody Wilson-Raybould

March 19/16

Date

Public Confidence in Criminal Law

1. Please rate your level of confidence in Canada's **adult** criminal law. Please use a scale of 1 to 10, where 1 represents "very low confidence" and 10 represents "very high confidence".
2. Please rate your level of confidence in Canada's **youth** criminal law. Please use a scale of 1 to 10, where 1 represents "very low confidence" and 10 represents "very high confidence".



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-0001902

Unclassified

For Approval

Action by/Deadline: 2016/02/02

MEMORANDUM TO THE DEPUTY MINISTER

Business Analytics (BA) – Purchase of Tableau Server (FOR APPROVAL)

SUMMARY

- Justice is developing a Business Analytics (BA) system as per LSR commitments
- The BA Centre and ISB have tested multiple applications and recommend purchasing Tableau Server after strong results during the testing/evaluation phase
- It costs \$442K and CMO budget can cover this expense.
- The purchase of Tableau Server is a sole source contract and SSC will be the contracting authority. The appropriate due diligence and due process has been followed
- It is recommended to purchase "Tableau Server" licences
- **DO YOU APPROVE?** ()

BACKGROUND

Through Legal Service Review (LSR), the Department committed to deploying a Business Analytics (BA) system that will provide direct access to common data and reports to DOJ staff. We have now built an integrated database which combines Financial, HR, Timekeeping, and Case management information. An initial investment of \$200K was made during the pilot phase of the project to test various applications and to identify a right fit from both a functionality and cost perspective.

An interim solution using SAS software will be deployed in February 2016. However, this system has several limitations to fully enable a Business Analytics approach in DOJ. ISB and CMO recommend to move forward with a software called Tableau which best meets our requirements and complements SAS and other existing tools.

KEY CONSIDERATIONS / OPTIONS

Multiple software applications were tested and evaluated based on factors including analytical/reporting capacity, ease of use, and cost. ISB and CMO unanimously consider Tableau as the best overall tool to meet requirements and promote an analytical approach.

The key benefits of Tableau include (see Annex A for more details):

Unclassified

s.20(1)(c)

- *Ease of use* – due to superior functionality and user-friendliness, a short learning curve is expected for end users. As well, Tableau has been used to develop client and internal BA reports (one years' worth of work) which would be accessible to all users.
- *Low infrastructure cost* – compared to other applications, Tableau has a smaller server footprint
- *Performance* – Tableau was ranked highest [REDACTED] for quality of product and ability to quickly execute complex analytics.

After consulting with DOJ Procurement and considering that this product is on PWGSC's Software Licensing Supply Agreement (SLSA) list, sole sourcing has been selected as the procurement vehicle to acquire Tableau. We have followed due process and are ready to submit the proposal to SSC who will ultimately be the contracting authority on this matter. Once bought, the purchase will be posted on the Contracting Proactive Disclosure list.

Similar to all other sole source requirements of this nature, an Advance Contract Award Notice (ACAN) might be posted by SSC through Buyandsell.gc.ca (dependent on if SSC believes a process is required based on justification). This would be done to signal the government's intention to award a contract for these goods to a pre-selected supplier.

All supporting documents have been completed and approved by the Change Management Office (CMO), Information Services Branch, and Finance/Procurement Branch.

RESOURCE IMPLICATIONS

An investment of \$442K is required to procure [REDACTED] Tableau Server licences. Starting next year, an ongoing cost of [REDACTED] will be paid for annual renewals and technical support. This investment was initially planned for next year, but purchasing it in the current fiscal year would accelerate the implementation of Business Analytics and resources are available in CMO budget.

[REDACTED]

Total BA system costs, including software, hardware and development, have been managed under tight parameters. Thus far \$0.7M has been spent on developing the interim solution which will be deployed in February 2016. Another \$1.8M, as per the investment plan, is expected to be spent for the permanent BA system which includes this purchase of "Tableau Server" for \$442K.

COMMUNICATION IMPLICATIONS

There are limited communication implications regarding this proposal (e.g., communicate implementation of system, training).

CCM#: 2016-0001902

Unclassified

RECOMMENDATION

s.20(1)(c)

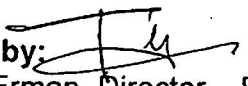
It is recommended that the Department procure [redacted] Tableau Server licenses for \$442K. It will provide the required technological capacity to support both business analytics and a culture of continuous innovation.

NEXT STEPS

Shared Services Canada (SSC) will process the procurement request on behalf of Justice. This investment is expected to be completed before March 31, 2016. However, procurement could be delayed into next fiscal year if SSC is unable to assess this request in a timely manner.

Attachment(s) Annex A – BA Vision and Tableau


Prepared by:


Toundjer Erman, Director – Business Analytics, Change Management, 613-952-6595
Date: January 22, 2016

Reviewed by:


Eric Trépanier, Director General and Deputy Chief Financial Officer, 613-948-5117
Date: 20/01/16

Reviewed by:

 for Marj Akerley A/CIO K. Hammond
Marj Akerley, Chief Information Officer, Management Sector, 613-941-3444
Date: January 28, 2016

Approved by:

France Pégeot, Assistant Deputy Minister, Change Management, 613-952-3816
Date: 

CCM#: 2016-0001902

Procurement of Tableau Server

Context

Through Legal Service Review (LSR), the Department of Justice committed to deploy a Business Analytics (BA) system to support the change agenda. A prudent, phased out approach was adopted for the design and implementation of the system. An initial investment of \$200K was made to test two BA tools, SAS Visual Analytics and Tableau Desktop. This was done to identify a right fit from both a functionality and cost perspective.

Overall, system development costs have been managed diligently. \$0.7M has been spent on developing a BA "light" system, which includes software, hardware and development cost. BA "light" will be deployed in February 2016.

The project is now transitioning towards building an enhanced and robust BA system for broader organizational use. An additional \$1.8M, including software, hardware and development cost is projected to be spent on implementing a fully operational BA system by 2016-17. The \$1.8M estimate includes the procurement of Tableau Server licences for [REDACTED] users at a cost of \$442K.

Vision for a BA system and BA:

The vision for the BA system is to:

- Integrate all corporate data into one database that will be continuously enriched with additional data sources (e.g. Courts systems, Government systems, Big Data)
- Build an easy to use and accessible reporting/dashboard corporate system with KPIs and Benchmarks. 500 users (350 managers and 150 analysts) are forecasted to use the BA system. In addition, an estimated 100-150 analysts from OGD may be added as users. A combination of tools (i.e. SAS, Tableau) will enable users to access the system.
- Create a high performing system with strong analytical capabilities for super-users (e.g. ad-hoc analyses, predictive analytics, settlement options, scenario planning, etc.)
- Provide access to client departments and central agencies to relevant Justice data and reports
- Design a flexible system (presentation layer and infrastructure) to easily accommodate changing management needs
- Gradually move from monthly to weekly and to daily (if possible) refresh of the integrated database
- Build a high performing and economical system to ensure high return on investment for Justice and taxpayer money

In parallel the objective of the BA approach is to:

- Build a strong analytical capacity in Justice
- Increase the use of analytics in daily operations and decision making
- Support the drive for legal and business excellence in Justice

Testing and evaluation of BA tools

s.20(1)(c)

IT

specialists and business analysts in the Department considered Tableau as the best overall tool to meet requirements and promote an analytical approach. However, it is also recognized that no single tool can meet all of the reporting and analytical needs of the Department.

Highlighted below are some benefits of Tableau which were found during the pilot:

- EASY TO LEARN & SHARE: Best tool for advanced analytics and end user adoption
- AVOIDS DUPLICATION OF EFFORT: Currently many reports and perspectives have been created by BA team (including client reports) in Tableau. Users would have access to this.
- RANKED HIGHEST [REDACTED] for quality of product and ability to execute
- RANKED HIGHEST (by ISB and BA Centre) for meeting most of analytical and reporting requirements.
 - BEST VISUALS: Visuals are recognised as an optimal analytic approach. All major software companies are now investing in Visual Analytics. Tableau is a leader in this area.
 - FILLS A GAP: No single software can address all the reporting and analytical needs. Tableau complements existing software (e.g. SAS and Microsoft) well to satisfy all known departmental analytical needs.

A more detailed technical comparison, including Justice's evaluation and Gartner reports are provided in Annex A and B.

Work Plan and BA System:

The high level Business Analytics work plan has been shared and approved by Executive Committee. It consists of:

- a) Design: Building the Foundation
- b) Implementation: Using data to make decisions
- c) Maintenance: Planning and Predictive Analysis

BA is now moving from a phase of building the foundation to one in which data will be used to make decisions. In order to support this transition and provide the necessary tools it is important that a BA system is provided to managers and employees.

A BA system is a type of application software designed to retrieve, analyze, transform and report data. Some of the main benefits we anticipate are:

- Enhanced reporting capabilities and time saving– *Develop internal and client reports within hours as opposed to weeks or months*

- Information in the hands of users – *access to a common and integrated database. As a first step, access will be given to over [REDACTED] employees Department wide*
- Enhanced analytical capacity within Department – *provide employees with new and enhanced tools to support a culture of continuous improvement and innovation (Legal Service Review and Justice 2020)*

s.20(1)(c)

After completing the pilot we found Tableau to be the best system for our current needs and requirements. At the same time there is a recognition that our requirements will continue to evolve and we need to be flexible in respect to the tools we use. The suggested approach in respect to launch of the BA system is the following:

Roll out of BI Light: February 2016

In February 2016, SAS Visual Analytics will be rolled out as a 'BI Light' tool. The major function of the tool will be for reporting purposes. Several pre-constructed reports will be available for system users. This will be used as a gateway to provide users access to an integrated data, new reports and dashboards.

Roll out of Enhanced BA Tool: Mid 2016/2017

In mid-2016/2017 we anticipate to roll out the Enhanced BA Tool, Tableau. The tool will be used to develop advanced analytical perspectives and support evidence based decision making. In the immediate future, Tableau will be used to develop client reports and for advanced analytics by the BA team. The initial investment is estimated at \$442k in 2015-16 for [REDACTED] individual licences. [REDACTED]

Conclusion:

The Business Analytics initiative is working towards supporting a culture of innovation and continuous improvement. The roll out of the system will provide users with new insight and perspectives which were not readily available before. A roll out strategy has been identified and we will remain flexible as needs and requirements may change. It is recommended to purchase [REDACTED] licences of Tableau Server for \$442K to support this initiative.

s.20(1)(c)

Annex A: Internal BI Tool Comparison

Priority	
Intent	
Reports	H
Dashboard	M
Ad hoc exploration	H
Advanced analytics	L
Print publishing	H
General Features	
Interactive charts	H
Print quality	L
Parameter controls	H
Web-based	H
Row-level security	H
Hardware requirements	M
Data governance risk	M
Visual appeal (subjective)	M
Visual customizability	M
Ease of building	H
Rapid prototyping	L
Licensing cost	L
Product stability/maturity	H
Requires efficient data storage and centralized calculations	H
Integrated Windows security	M
Public comments / discussion board about findings	M
Subscriptions / notifications	L
Mobile-friendliness	L
Mapping capabilities	L
Ease of backup	H
Integrates with SharePoint	L?
Self-Service Features	
Multi-language support	L
Pre-defined sort orders	H
Pre-defined hierarchies	H
Pre-defined folders/groups of measures and data elements	H
Ease of viewing/interaction	H
Timeline	
Report preparation	M

Page 20

**is withheld pursuant to section
est retenue en vertu de l'article**

20(1)(c)

**of the Access to Information Act
de la Loi sur l'accès à l'information**



Department of Justice
Canada

Ministère de la Justice
Canada

FOR INFORMATION

NUMERO DU DOSSIER/FILE #: 2016-001094

COTE DE SECURITE/SECURITY CLASSIFICATION: Confidential

TITRE/TITLE: Cannabis

SOMMAIRE EXÉCUTIF/EXECUTIVE SUMMARY

- This note provides an overview of issues [REDACTED] in relation to the legalization of cannabis for recreational purposes including:



- a summary of international treatment of cannabis.

Soumis par (secteur)/Submitted by (Sector):

Policy Sector

Responsable dans l'équipe du SM/Lead in the DM Team:

Sarah Geh

Revue dans l'ULM par/Edited in the MLU by:

Matt Ignatowicz

Soumis au CM/Submitted to MO: February 15, 2016



Department of Justice
Canada

Ministère de la Justice
Canada

Confidential
FOR INFORMATION

2016-001094

MEMORANDUM FOR THE MINISTER

Cannabis

ISSUE

s.21(1)(a) This note provides an overview of issues [REDACTED] in relation to cannabis¹ for
s.23 recreational purposes.



**Pages 23 to / à 25
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(a), 23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

s.21(1)(a)

s.23



ANNEXES

- Annex 1: Medical Marijuana Regimes in the U.S.
- Annex 2: Medical Marijuana Regimes in Other Countries

PREPARED BY

Paul Saint-Denis
Senior Counsel
Criminal Law Policy Section
613-957-4751

Diane Labelle
General Counsel
Health Canada Legal Services Unit
613-948-7453

Last updated May 26, 2015

Medical Marijuana Regimes in the US – 16 States with Licensed Producer Models, Oregon, Washington and Canada

*States with a recreational regime

@States without a licensed producer model

	Canada	Arizona	Colorado*	Connecticut	Delaware	Illinois	Maine	Maryland	Massachusetts	Minnesota	Nevada	New Hampshire	New Jersey	New Mexico	New York	Rhode Island	Vermont	Oregon* @	Washington* @
Status	Marijuana for Medical Purposes	Arizona Medical Marijuana Act	Medical Use of Marijuana for Persons Suffering from Debilitating Medical Conditions	Public Act 12-55	Delaware Medical Marijuana Act	Compassionate Use of Medical Cannabis Pilot Program Act	Maine Medical Marijuana Act	Senate Bill 923 & House Bill 881	Act for the Humanitarian Medical Use of Marijuana	Chapter 311 – SF No 2470	Medical Use of Marijuana	House Bill 573	New Jersey Compassionate Use Medical Marijuana Act	Lynn and Enn Compassionate Use Act	New York Compassionate Use Act	Medical Marijuana Act	Therapeutic Use of Cannabis	Oregon Medical Marijuana Act	Medical Cannabis Law
Year in Effect	June 2014	Nov 2010	June 2001	June 2012	July 2012	Aug 2013	Dec 1999	June 2014	Jan 2013	May 2014	June 2013	June 2013	Oct 2010	July 2007	Jul 2014	March 2006	2004	Dec 1998	Nov 1998
Regulatory Agency	Health Canada	Arizona Department of Health Services	Dept of Revenue, Dept of Public Health and Env. Dept of Agriculture	Dept of Consumer Protection	Delaware Health and Social Services	Dept of Public Health, Dept of Financial & Professional Regulation, Dept of Agriculture, Dept of Revenue	Maine Dept of Health and Human Services	Dept of Health and Mental Hygiene	Dept of Public Health	Dept of Health	Dept of Health and Human Services	Dept of Health and Human Services	New Jersey Dept of Health	New Mexico Dept of Health	New York Dept of Health	Dept of Health	Dept of Public Safety	Oregon Dept of Human Services	Dept of Health
User registry	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Require approved medical conditions	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Who can recommend	Medical practitioner & Nurse practitioner	Doctor of medicine, osteopathic medicine, naturopathic physician and homeopathic physician	Certified physician	Certified Physician	Certified Physician	Doctor of medicine or osteopathy with a controlled substances license	Certified Physician	Certified Physician	Certified physician who has completed 2 CME credits	Certified physician, physician assistant or advanced practice nurse	Doctor of Medicine or Doctor of Osteopathy	Certified Physician or an advanced practice nurse licensed to prescribe controlled substances	Certified Physician	Doctor of Medicine, Doctor of Osteopathy, nurse practitioners and most mid-level medical providers	Certified Physician who has completed a 4-hr course on marijuana	Certified physician	Doctor of Medicine, advanced practice registered nurse, naturopath, or osteopathic physician	Doctor of Medicine or Doctor of Osteopathy	Doctor of Medicine or Doctor of Osteopathy
Continuing Medical Education	No	Yes Offered by the U of Arizona's Mel and End Zuckerman College of Public Health	No	No	No	No	No	No	Yes Offered by the Massachusetts Medical Society	No	No	No	No	No	No	No	No	No	No
Physician required to recommend dosing	Yes Daily quantity of marijuana & recommended time prescribed	No	Required to indicate amount of marijuana or no of plants if exceed the possession limit	Required to indicate amount of marijuana	No	No	No	Not specified	Required to indicate amount of marijuana	Dept of Health is currently looking at recommended dosing	Not specified	Not specified	Required to indicate amount of marijuana	Not required	Required to indicate amount of marijuana	No	No	No	No
Allow for Caregivers		Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Marijuana for minors	Not specified	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Last updated May 26, 2015

	Canada	Arizona	Colorado ¹	Connecticut	Delaware	Illinois	Maine	Maryland	Massachusetts its	Minnesota	Nevada	New Hampshire	New Jersey	New Mexico	New York	Rhode Island	Vermont	Oregon ¹ @	Washington ¹ @
Quantity for personal possession	150 g	25 oz (14-day)	2 oz	25 oz (1 month)	6 oz	25 oz (14-day)	25 oz (15-day)	30-day supply	10 oz (60-day)	30-day supply	25 oz (14-day)	2 oz	2 oz (30-day)	6 oz	30-day	25 oz (15-day)	2 oz dried	24 oz	24 oz
Personal cultivation	Not allowed	Under limited circumstance Up to 12 plants	Yes Up to 6 plants	Not allowed	Not allowed	Not allowed	Yes Up to 6 plants	Not allowed	Under limited circumstance	Not allowed	Under limited circumstance Up to 12 plants	Not allowed	Not allowed	Under limited circumstance Up to 12 seedlings and 4 mature plants	Not allowed	Yes Up to 12 plants	Yes Up to 9 plants (2 mature and 9 immature)	Yes Up to 6 plants	Yes Up to 15 plants
Allowed forms of marijuana	Dried only ¹	Dried, marijuana infused edibles and marijuana-infused non-edibles are allowed	Broad range of products allowed, including any food, drink, pill, ointments, tinctures, and concentrates	Dried, marijuana extracts (tinctures/oils), topical oils or lotions, transdermal patches, baked goods, capsules, or pill form are allowed. Chocolates and candies containing marijuana are prohibited	Dried, tinctures, ointment, food, drinks	Dried; concentrates; tinctures, tonics; ointments; balms; infused food products, soda or teas, capsules Marijuana-infused products requiring refrigeration or hot-holding are prohibited	Dried, tinctures, and topical products such as balm, lotion and ointment	Dried, tinctures, aerosols, oils, ointments, wax, capsule, suppository, dermal patch, cartridge or other product containing medical marijuana concentrate Marijuana-infused food is not allowed	Dried, oil, ointment, aerosols, tinctures, and marijuana-infused edibles etc. However, marijuana-infused edibles must not resemble candies as it appeals to children	Oil, pill; vaporized delivery method, and any other method as approved by the commissioner Dried marijuana is NOT allowed	Topical products, ointments, oils and tinctures, edibles (food, extracts)	Dried, edible products, ointments, aerosols, oils, and tinctures	Edible form includes: lozenges, tablets, capsules, drops, tinctures and syrups, and topical formulations. Edible forms are only available only to minors	Regulation does not specify the types of products allowed apart from marijuana concentrates	Extract in oil for sublingual administration, an extract for vaporization or an extract in capsule for ingestion Smoking of dried marijuana is Not allowed	Dried and ingestion options of useable marijuana	Dried and marijuana-infused products	Dried, edible products, ointments, tinctures, oil	Dried. Regulation is silent on other forms of marijuana
Definition of usable cannabis/ marijuana	NA	Dried flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink	Seeds, leaves, buds, and flowers of the plant (genus) cannabis, and any mixture or preparation thereof, which are appropriate for medical use as provided in this section, but excludes the plant's stalks, stems, and roots	Dried leaves and flowers of the marijuana plant, and any mixtures or preparations of such leaves and flowers, that are appropriate for the palliative use of marijuana, but does not include the seeds, stalks and roots of the marijuana plant.	Dried leaves and flowers of the marijuana plant and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, other preparations, but does not include the seeds, stalks, and roots of the plant. It does not include the weight of any non-marijuana ingredients combined with marijuana, such as ingredients added to prepare a	Seeds, leaves, buds, and flowers of the cannabis plant, and any mixture or preparation thereof, including the resin extracted from any part of the plant, but does not include the stalks, and roots of the plant	Dried leaves and flowers of the marijuana plant that require no further processing, and any mixture or preparation of those dried leaves and flowers, including but not limited to tinctures, ointments, and other preparations. It does not include the seeds, stalks, leaves that are disposed of and not dried for use and roots of the marijuana or other ingredients in goods prepared for human	Dried leaves and flowers. It does not include seedling, seeds, stems, stalks, or roots of the plant or the weight of any non-marijuana ingredients combined with marijuana, such as ingredients added to prepare a topical administration	Fresh or dried leaves and flowers and any mixture or preparation thereof, including MIPs, but does not include the seedlings, seeds, stalks, or roots of the plant	Any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) any other method, excluding smoking.	dried leaves and flowers of a plant of the genus Cannabis, and any mixture or preparation thereof, that are appropriate for the medical use of marijuana; and	the dried leaves and flowers of the cannabis plant and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any non-cannabis ingredients combined with cannabis and prepared for consumption as food or drink	dried leaves and flowers of the female marijuana plant, and any mixture or preparation thereof, and does not include the seedlings, seeds, stems, stalks or roots of the plant	dried leaves and flowers of the female cannabis plant and cannabis-derived products, including concentrates, but does not include the seeds, stalks, or roots of the plant	No definition of useable marijuana. See allowed forms above	dried leaves and flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant	dried leaves and flowers of marijuana, and any mixture or preparation thereof, and does not include the seeds, stalks, and roots of the plant		

¹ Since the Supreme Court of Canada in Smith on June 11, 2015 individuals are entitled to legal access to forms of cannabis beyond the dried form. In response to the SCC decision Health Canada allows, by virtue of an exemption to the CDSA, for the production and sale of cannabis derivatives such as oil by licensed producers to their registered clients

Last updated May 26, 2015

	Canada	Arizona	Colorado*	Connecticut	Delaware	Illinois	Maine	Maryland	Massachusetts	Minnesota	Nevada	New Hampshire	New Jersey	New Mexico	New York	Rhode Island	Vermont	Oregon* @	Washington* @
					topical administration, food, or drink		consumption or use			approved by the commissioner									
Limitations on the use / possession	Not specified		Cannot use marijuana: - In plain view or in a place open to general public - Correction facility - Subject to sentence to incarceration - In a vehicle, aircraft or boat - In or on the grounds of a school/school bus Cannot possess marijuana in or on the grounds of a school bus or school	Cannot use marijuana. - In a motor bus or a school bus or in any other moving vehicle, - in the workplace - on any school grounds or any public or private school, dormitory, college or university property, - in any public place, or - in the presence of a person under the age of eighteen	Cannot possess marijuana - In a school bus - On the grounds of pre-school, primary/secondary school - Correctional facility - Vehicle - Private residence to provide child care Cannot use marijuana - As above - Public place				Does not allow the operation of a vehicle, boat or aircraft under the influence of marijuana Does not require any accommodation of medical use of marijuana in any place of employment, school bus, school grounds, youth center, correctional facility, or in any public space				Patients may not operate, navigate, or be in control of any vehicle, aircraft, railroad train, or stationary heavy equipment vessel while under the influence of marijuana Patients may not smoke marijuana, - On a school bus or public form of transportation - In a private vehicle unless the vehicle is not in operation - On any school grounds, in any correctional facility, at any public park or beach, at any recreation center		Cannot use marijuana. - public place - places of employment - bars - food service establishments - enclosed indoor areas open to public containing a swimming pool - public means of transportation - public transportation terminals - youth centers and facilities - child care facilities - child day care centers - group homes for children - public institution for children - residential treatment facilities for children and youth - public and private colleges, universities and other education and vocational institutions - hospitals and residential health care facilities - commercial establishment - indoor areas - zoos - vehicles				

Last updated May 26, 2015

	Canada	Arizona	Colorado	Connecticut	Delaware	Illinois	Maine	Maryland	Massachusetts	Minnesota	Nevada	New Hampshire	New Jersey	New Mexico	New York	Rhode Island	Vermont	Oregon	Washington
THC/CBD limit	No limit	No limit	No limit	No limit	No limit	No limit	No limit	No limit	No limit	No limit	No limit	No limit	Max THC 10%	No limit	within 100ft of entrances to schools	No limit	No limit	No limit	No limit
Defined serving size for infused products	NA	Not Specified	10mg of THC per serving and no more than 100mg of THC in edible retail product	Not Specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified
Commercial cultivation	Licensed producer	Non-profit licensed dispensary	Licensed medical marijuana centre	Licensed producer	Licensed Compassionate Centres	Licensed cultivation centre	Non-profit licensed dispensary Patients designate dispensaries to grow on their behalf	Licensed grower	Non-profit Licensed dispensary	Licensed manufacturer	Licensed cultivation facility	Alternative Treatment Centre (ATC)	Alternative Treatment Centre (ATC) (non-profit or for-profit)	Non-profit Licensed producer	Licensed organization	Non-profit Compassionate Center	Non-profit dispensary	Non-profit Licensed dispensary	NA
Commercial processing	Licensed producer	Non-profit licensed dispensary Licensed kitchen to produce infused edibles	Licensed medical marijuana centre (cultivate marijuana) Licensed infused products manufacture	Licensed producer	Licensed Compassionate Centre	Licensed cultivation centre	Non-profit licensed dispensary	Licensed processing dispensary	Non-profit Licensed dispensary	Licensed manufacturer	Licensed production facility	Alternative Treatment Centre	Alternative Treatment Centre (non-profit or for-profit)	Non-profit Licensed producer	Licensed organization	Non-profit Compassionate Center	Non-profit dispensary	NA (Patients produce marijuana infused products then transfer to dispensary)	NA
Commercial dispensary	No store fronts allowed, by mail only	Non-profit licensed dispensary (store fronts)	Licensed medical marijuana centre (store fronts)	Licensed dispensary Only pharmacists can dispense marijuana (store fronts)	Licensed Compassionate Centre (store fronts)	Licensed dispensary (store fronts)	Non-profit licensed dispensary (store fronts)	Licensed dispensary (store fronts)	Non-profit Licensed dispensary (store fronts and home delivery)	Licensed distribution facility operated by a licensed manufacturer (store fronts)	Licensed dispensary - store fronts and home delivery by medical marijuana establishment agent allowed	Alternative Treatment Centre (store fronts) Home delivery prohibited	Alternative Treatment Centre (non-profit or for-profit) Store fronts Home delivery prohibited	Non-profit Licensed producer No store fronts allowed, by mail only	Licensed dispensary operated by licensed pharmacists (store fronts)	Non-profit Compassionate Center Store fronts Home delivery under limited circumstances	Non-profit dispensary (store fronts)	Non-profit Licensed dispensary	NA
LP limit	No limit	126 dispensaries	No limit	Min of 3 and Max of 10 of licensed producers	No limit	22 cultivation centres 66 dispensaries	No limit	15 cultivation centres No limit on dispensaries	35 Licensed dispensaries	2 Licensed manufacturers Each manufacturer can operate up to 4 distribution facilities	66 licensed dispensaries	4 ATCs	6 ATCs	23 Licensed producers	5 Licensed organizations Each organization can operate up to 4 dispensaries	3 Compassion Centers	4 licensed dispensaries	No limit	NA
Production and distribution limits	No limit Graduated licensing	No limit	Obtain no more than 30% of their stock from another center Allow to cultivate based on the # of patients served	No limit	Up to 150 plants per licensed centres	No limit	Allow to cultivate based on the # of patients served	No limit	Allow to cultivate based on the # of patients served	Not specified	Not specified	Up to 3 mature plants, 12 seedlings, and 6 oz of usable marijuana per each patient designated And up to additional of 80 mature plants, 160 seedlings and	No limit	450 plants and seedlings per LP	Each licensed organization can produce up to 5 strains of medical marijuana product	Allow to cultivate based on the # of patients served	Allow to cultivate and possess up to 28 mature plants, 98 immature plants, and 28 oz of usable marijuana if LP has more than 14 patients, they can cultivate and possess 2 mature	Each designated grower can grow for up to 4 patients	NA

Last updated May 26, 2015

	Canada	Arizona	Colorado	Connecticut	Delaware	Illinois	Maine	Maryland	Massachusetts	Minnesota	Nevada	New Hampshire	New Jersey	New Mexico	New York	Rhode Island	Vermont	Oregon*	Washington*
												80 oz of usable					plants, 7 immature plants and 2 oz of useable marijuana extra for every registered patient Each Licensed producer can serve up to 1000 patients		
Background checks	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NA
Packaging and labelling Requirement	Yes	Detailed labeling requirements	Yes, detailed	Yes, detailed	No	Yes, detailed	Not detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Not detailed	Not detailed	Yes	NA
Ref to Child resistance Std?	C01001(2) to (4) of the Food and Drug Regulations	Does not specify packaging requirements	ASTM classification standard D3475-13 State standard 16 CFR 170020 (1995)	Standard for 'special packaging in the Poison Prevention Packaging Act of 1970 Regulations, 16 CFR 17001(b)(4)		ASTM classification standard D3475-14			Child-proof containers No ref to standards				Does not require child-resistant packaging		Child-resistant package No ref to standards				
Labeling (in relation to possession limit)	Net weight in grams	Amount of useable marijuana used in the product	Amount of useable marijuana used in the product	Quantity of marijuana contained in the product		Amount of useable marijuana used in the product			Amount of useable marijuana used in the product				Quantity of marijuana in package		Single dose of THC and CBD content for the product in mg				
Security Requirement	Yes	Yes, detailed	Yes, detailed	Yes, detailed	Yes, not detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Yes, detailed	Not detailed	Yes, detailed	Yes, detailed	Not detailed	Yes, detailed	NA
GMP / standards	Generic requirements	Generic requirements Production facilities for marijuana-infused edibles must comply with State Food Acts and Regulations	Generic requirements, with specific requirements for the production of marijuana-infused concentrates	Generic requirements Production facilities for marijuana-infused edibles must comply with State Food Acts and Regulations	Not specified	Generic requirements Production facilities for marijuana-infused edibles must comply with State Food Acts and Regulations	Generic requirements Production facilities for marijuana-infused edibles must comply with State Food Acts and Regulations	Specific requirements for the production of marijuana-infused concentrates	Generic requirements Production facilities for marijuana-infused edibles must comply with State Food Acts and Regulations	Generic requirements	Specific requirements for the production of marijuana-infused edibles	Specific requirements for the production of marijuana concentrates Production facilities for marijuana-infused edibles must comply with State Food Acts and Regulations	Not specified	Generic requirements	Specific requirements for the production of marijuana extractions	Not specified	Not specified	Not specified	NA
Cost (\$US)		\$350-400 / oz	\$400 / oz	\$350-550/oz	Not specified	\$15 per gram	Not specified	Not specified	Not specified	Not specified	Not specified	Not specified	\$400-520 / oz	Not specified	Not specified	Not specified	Not specified	\$280 / oz	Not specified
Application Fees / Licensing Fees	Not specified	Application \$5000 Licensing \$1000	Application Type 1 (1-300 patients) - \$6,000 Type 2 (301-500 patients) - \$10,000	Application Producer - \$25,000 Dispensary - \$1000 Licensing Producer -	Not specified	Application Producer - \$25,000 Dispensary - \$5000 Licensing	Licensing \$12,000	Application Grower - \$5,000 Grower & Dispensary \$11,000	Application \$30,000 Licensing \$50,000	Application \$20,000 Licensing TBD	Application \$5000 Licensing \$3000	Application \$3000 Licensing \$40,000 \$80,000 Depends on geographical	Licensing \$20,000	Application \$10,000 Licensing \$30,000 for the first 150 cannabis plants, and	Application \$10,000 Licensing \$200,000 for two years once the	Application \$250 Licensing \$5,000 ID card for each board	Application \$2,500 Licensing \$20,000 Annual renewal	Application \$4000 Licensing \$3,500	NA

Last updated May 26, 2015

	Canada	Arizona	Colorado*	Connecticut	Delaware	Illinois	Maine	Maryland	Massachusetts	Minnesota	Nevada	New Hampshire	New Jersey	New Mexico	New York	Rhode Island	Vermont	Oregon* @	Washington* @
			Type 3 (>501 patients) - \$14,000 <u>Renewal fees:</u> Type 1 (1-300 patients) - \$3,000 Type 2 (301-500 patients) - \$7,000 Type 3 (501 or more patients) - \$11,000	\$75,000 Dispensary - \$5,000		\$200,000 for the first year and \$100,000 annually thereafter for producer		Dispensary/ Processing Dispensary \$5000 <u>Biennial licensing fee</u> Grower - \$250,000 Grower & Dispensary - \$330,000 Dispensary/ Processing Dispensary \$80,000				location of the ATC		\$10,000 for each additional 50 plants thereafter	organization is licensed	member and employees \$75,000 (renew every 2 years)	\$30,000		

Last updated: November 17, 2015

Medical Marijuana Regimes in Other Countries

Table of Contents

Netherlands.....	2
Israel.....	5
Chile.....	8
Czech Republic	8
Italy.....	9
Germany.....	9
(need to add Finland)	

Last updated: November 17, 2015

Netherlands	<p>Summary Marijuana for medical purposes has been legalized in the Netherlands since 2003. The Office of Medicinal Cannabis (OMC) was created in 2000 under the Ministry to Health, Welfare and Sport, and is the licensing authority that oversees the cultivation and distribution of marijuana for medical and scientific purposes. The medical marijuana program was established to provide a legal access of quality medical marijuana to patients. Prior to the establishment of OMC, patients can only obtain marijuana illegally, or from 'coffee shops', which have been in the Netherlands since 1976.</p> <p>Growing marijuana is illegal; however, police usually tolerates the personal cultivation of marijuana if it is less than 5 plants (i.e. police will destroy the plants but will not prosecute the grower). However, this is not consistent throughout the country and some cities may be stricter than others when enforcing the laws.</p> <p><u>Overview of LP model</u> OMC licenses marijuana growers to cultivate marijuana, which is then sold to OMC. Currently, Bedrocan is the sole supplier of medical marijuana in the Netherlands. Bedrocan produces ~400-500 kg a year. Roughly 25% are exported to other countries. (Allard transcript) OMC acts as a wholesaler for medical marijuana, performs quality control, conducts packaging and distributes marijuana exclusively to pharmacies, pharmacy-holding General Practitioners, hospitals and veterinarians. To ensure that the medical marijuana is of pharmaceutical quality, OMC conducts testing on all medical marijuana to ensure that it contains no pesticides, heavy metals, bacteria, mould or other potential pathogens.</p> <p>OMC also exports marijuana to other countries, such as Germany and Czech Republic for scientific and medical purposes.</p> <p><u>Challenges</u> When OMC was established, it was expected that roughly 15,000 patients would be registered under the medical marijuana program. However, to date, only 1,500 signed up. The low rate may be due to several reasons: cost of marijuana from OMC is more expensive than those sold at coffee shops and limited strain options (only five strains are offered by OMC).</p> <p>Roles of health professionals: Only patients with a valid prescription can purchase medical marijuana through pharmacies. Certified physicians are allowed to prescribe marijuana to treat a variety of ailments. The physician must specify in the certification the amount of medical marijuana to be used by the patient, as well as a clear description of the way the marijuana should be used, including a description of the maximum amount of marijuana that may be used in a period of 24 hours.</p> <p>Dosing: Physicians are required to indicate in the prescription the recommended amount of marijuana for patients. According to OMC, the average daily use is approximately 0.68g per patient. OMC does not provide guidance to doctors regarding dosing(Allard transcript). OMC recommends the oral use of one cup of tea (0.2L) by preparing boiling 0.5g of marijuana in 0.5L of water. OMC notes that on</p>	<p>Office of Medicinal Cannabis http://www.ncsm.nl/english/the-dutch-medicinal-cannabis-program</p>
-------------	---	--

Last updated: November 17, 2015

	<p>average it take 2 weeks before the maximum effect is reached and that if after 1-2 weeks the effect is insufficient or unsatisfactory, one additional cup (0.2L) can be taken in the morning. OMC notes that the dosage can be slowly increased if necessary. Alternatively, OMC recommends that inhalation once or twice daily of a few puffs at the start of the treatment. OMC notes that in principle, it advises against smoking.¹</p> <p>Approved medical conditions: Based on the availability and quality of clinical data and scientific literatures, OMC indicated a selection of medical conditions that may benefit from the treatment of medical marijuana. These conditions include:</p> <ul style="list-style-type: none"> • pain and muscle spasms/cramps associated with multiple sclerosis or spinal cord damage; • nausea, reduced appetite, weight loss and debilitation associated with cancer and AID; • nausea and vomiting caused by medication or radiotherapy for cancer and HIV/AIDS; • long-term neurogenic pain (i.e. originating in the nervous system) caused by, for example, nerve damage, phantom limb pain, facial neuralgia or chronic pain following an attack of shingles; and • tics associated with Tourette Syndrome.² <p>Physicians are allowed to prescribe marijuana for other ailments as well. However, as a general guideline, marijuana tends to be prescribed if the standard treatments and registered medicines are not having the required effect or are causing too many side effects.</p> <p>Allowed forms of marijuana: Dried only. Eco Pharmaceuticals and Tonsfal Apotek (a pharmacy) in the Netherlands is looking into developing methods in producing cannabis oil and CBD oil for children.</p> <p>The Netherlands does not prohibit patients from producing marijuana extracts.</p> <p>THC/CBD limit: Currently, only 5 types of dried marijuana are provided through pharmacies, including Bedrobinol (13.5% THC; <1% CBD), Bedrocan (22% THC, <1% CBD), Bediol (6.3% THC; 8% CBD), Bedica (14% THC; <1% CBD) and Bedrolite (<1% THC, 9% CBD).</p> <p>Marijuana allowed for children: Yes</p> <p>Possession/Cultivation: Personal cultivation is not allowed. There is no limit on the maximum possession amount for patients qualified for medical marijuana.</p>	
--	--	--

¹ Office of Medicinal Cannabis. http://www.cannabisbureau.nl/en/doc/pdf/5089-A5-BMC-Pat-ENG-web_35842.pdf

² Office for Medicinal Cannabis. <http://www.cannabisbureau.nl/en/MedicinalCannabis/Doctorsandpharmacists/Groundsforuse/>

Last updated: November 17, 2015

	<p>Packaging and Labelling: TBC</p> <p>Security requirements: TBC</p> <p>Production/manufacturing standards: TBC</p> <p>Cost: The cost is €38 per five grams. This excludes 6% sales tax and a fee for pharmacy to dispense (~€6). 15% of the cost of marijuana goes to OMC.</p> <p>Application and licensing fee: TBC.</p> <p>Financial requirements for LP: TBC</p>	
--	---	--

Last updated: November 17, 2015

Israel	<p><u>Summary</u></p> <p>Marijuana for medical purposes has been legal in Israel since the early 90s, however, it is only until recently, Israel is implementing and regulating a much more sophisticated licensed producer model.</p> <p>In 2011, the Israel Medical Cannabis Agency (IMCA) was created to support the development and implementation of the new medical marijuana regime. This new program is expected to come into effect by early 2015. The new program will use Sarel Ltd., a government-affiliated pharmaceutical supplier, to act as a middleman between growers and pharmacies. Sarel Ltd. will purchase marijuana from growers, test it to ensure that the concentration of cannabinoids complies with the regulations, and supply it to the pharmacies that win the tender.³ Currently, the regulations require growers to state the concentration of cannabinoids and the amount of marijuana on the package. Under the new system, Sarel Ltd. will ensure that the medical marijuana is packaged and labelled according to the new regulations established by the Ministry of Health (MOH).⁴ The MOH is expected to publish 7 tenders in April 2015.⁵ These 7 tenders include: growers, processors/manufacturers, distributors, pharmacies, packaging, importers and testing laboratories.</p> <p>IMCA indicated that under this new regime, they are looking for establishments that can offer the best quality of marijuana at the lowest price.</p> <p><u>Supply-demand</u></p> <p>IMCA plans to limit the number of medical marijuana establishments:</p> <ul style="list-style-type: none"> Growers – TBC Manufacturers – 1 Pharmacies – 180 Testing lab – <10 Distributors – TBC <p>The limit is based on the consultation with other government departments that are implicated, including agricultural, health, customs, and law enforcement etc.</p> <p>There will also be a limit on the quantity of marijuana allowed to be produced by each of the medical marijuana establishments. The amount will not be distributed evenly among the establishments. If an establishment cannot meet the maximum production limit, IMCA may reduce their limit and allocate that to another establishment.</p> <p><u>Best practices/challenges</u></p> <p>Making marijuana-infused cookies is challenging, because it is difficult to evenly distribute the amount of cannabis consistently throughout the cookie.</p> <p><u>Roles of healthcare practitioners:</u></p> <p>Authorization to possess or use marijuana must be issued by a specialist practicing in the disease area from which the patient suffers. While any physicians in Israel can issue a recommendation, the MOU has a multi-disciplinary board of 36 Medical Doctors who can actually authorize medical marijuana. Other medications must have been tried first and found not to work as marijuana is considered a medication of "last resort". The requesting physician must state in the recommendation letter that all conventional drug treatment were used thus far and has been unsuccessful.</p> <p><u>Dosing:</u></p>	
--------	--	--

Last updated: November 17, 2015

<p>Qualifying patients are allowed to possess 100 grams of dried marijuana per month; however, they cannot carry more than 60 grams of dried marijuana at one time. The physician normally starts prescribing at 20 grams per month. The patient gets reassessed and if needed, they could get an increase in dose up to 100 grams a month. On average, the amount consumed per patient is approximately 37 grams per month.</p> <p>Approved medical conditions: Currently, patients with the following conditions could be considered for recommendations for medical marijuana:</p> <ul style="list-style-type: none"> • Chronic pain due to a proven organic etiology • Orphan diseases (<i>i.e.</i>, diseases and conditions that affect only a small percentage of the population and for which few, if any, pharmaceutical drugs are developed) • HIV patients with significant loss of body weight or a CD4 cell count below 400 • Inflammatory bowel disease (but not Irritable Bowel Syndrome) • Multiple sclerosis • Parkinson's disease • Malignant cancerous tumour in various stages. • Neuropathic pain • Uncontrolled Epilepsy • Post-Traumatic Stress Disorder <p>Allowed forms of marijuana: Flowers (dried or in cigarettes), oil and marijuana-infused cookies (only for children). IMCA indicated those 3 forms of marijuana are allowed because other forms of marijuana products, such as ointment and candies etc, lack adequate scientific evidence to support their efficacy. IMCA recognized that smoking marijuana is not preferable due to the potential health hazards and they are currently exploring other means, including exploring the development of other medicinal tools to replace the smoking of marijuana (vaporizer).</p> <p>THC/CBD limit: Israel sets a limit for THC and CBD levels. The lower and upper limit for THC is 7% and 24% respectively, and the maximum amount of CBD is 10%. Israel sets a THC limit because they believe that THC levels beyond 24% do not contribute to any medicinal benefits to the patient.⁶</p> <p>Marijuana allowed for children: Yes</p> <p>Possession/Cultivation: Personal cultivation is not allowed.</p> <p>Packaging and Labelling: TBC</p> <p>Security requirements: TBC</p>	
---	--

³ Greener grass: Should Israel's policy on medical marijuana be replicated abroad? - <http://www.haaretz.com/weekend/week-s-end/greener-grass-should-israel-s-policy-on-medical-marijuana-be-replicated-abroad-1.466089>

⁴ Conference call with Mr. Yuval Landschaft, current head of medical marijuana program in Israel, in October 2014.

⁵ Email correspondence with Mr. Yuval Landschaft, current head of medical marijuana program in Israel, January 2015.

⁶ Conference call with Dr. Yehuda Baruch in November 2013 (Former head of medical marijuana program who was appointed by the Israeli's Ministry of Health)

Last updated: November 17, 2015

	<p>Production/manufacturing standards: Marijuana-infused oil or extracts are required to be produced by ethanol-extraction method.⁷</p> <p>There will be GMP requirements for the production and manufacturing of marijuana products (dried, oil and cookies), and testing laboratories. Further information on the requirements will be shared with us once the requirements have been approved by the Israel Supreme Court in April 2015.</p> <p>Cost: Currently, qualifying patients pay a fixed price of about \$100 per month, regardless of the amount of marijuana recommended. However, the pricing structure may change in the future under the new system.</p> <p>Application and licensing fees: Israel does not charge application or licensing fees from potential producers, manufacturers, etc.</p> <p>Financial requirements for LP: TBC</p>	
--	---	--

⁷ Conference call with Dr. Yehuda Baruch in November 2013 (Former head of medical marijuana program who was appointed by the Israeli's Ministry of Health)

Last updated: November 17, 2015

Austria	<p>In 2008, Austria adopted a bill allowing the cultivation of cannabis for medical and scientific purposes, under the Health Ministry's control. The approved bill will give the Austrian Agency for Health and Food Safety (<i>Österreichische Agentur für Gesundheit und Ernährungssicherheit, AGES</i>), which operates under the supervision of the Federal Ministry of Health (BMG), the exclusive right to grow the plant. The cultivation may only be done by pharmaceutical companies which have been licensed for the production of medicines and poisons. Patient's access to marijuana for medical purposes is not specified at this time⁸.</p> <p>The production of cannabis for medical use is theoretically allowed however the sale of it is prohibited under Austrian drugs laws. The sale of synthetic cannabis pharmaceuticals (containing THC) such as Sativex is legal with a prescription from a licensed physician. While it is illegal to grow cannabis in order to produce THC, Austrians may purchase cannabis seeds/seedlings legally. THC is prohibited, but none of the other cannabinoids. This leaves it unclear as to whether cannabis patients are allowed to grow plants, as long as the plants are harvested before the flowering phase. Research suggests cannabidiol may be extracted from the leaves of immature plants. In the meantime, Austria produces hemp (which does not exceed a THC content of 0.3%) for medical and industrial purposes.</p>	
Chile	<p>In Chile, medical marijuana is legal; however, it was not fully endorsed by the government until recently. The Agricultural Services, a government organization, can issue authorizations for the personal cultivation of marijuana for medical purposes since 2005. To date, only two permits have been granted. In September 2014, the Chilean government approved a pilot pain prevention program run by the Daya Foundation, a local nonprofit organization dedicated to alleviating human suffering. The Daya Foundation is authorized to grow medical marijuana in the Santiago municipality of La Florida, on a piece of 850 square meters of residential land. Once the marijuana plants have been cultivated, oil from the plants will be used to treat 200 selected patients as a part a clinical study on the effect of marijuana as a pain medication. It is expected that the harvesting of marijuana plants will begin in April 2015, with treatments using the marijuana-infused oil scheduled to take place in May 2015.⁹ In January 2015, the Chilean government approved AgroFuturo, a medical research company, to begin commercial production of marijuana for medical and research purposes¹⁰. However, there are no further details on the regulatory requirements for the medical marijuana facility.</p>	
Czech Republic	<p>Marijuana for medical purposes was legalized in Czech Republic in April 2013, although provisions allowing for the cultivation and supply of medical marijuana (through a licensing procedure) came into force on March 1, 2014. The State Institute for Drug Control is the government authority responsible for implementing the medical marijuana program. It is responsible for issuing cultivation licenses to local growers for a maximum of five years, purchasing grown and harvested medical marijuana from licensed producers, and distributing medical marijuana to pharmacies. It is unclear whether any local growers have been licensed yet. However, to date, Czech Republic has been importing dried marijuana from Israel and the Netherlands.</p> <p>Patients with a valid prescription from a certified physician can purchase medical marijuana at local pharmacies and are allowed to possess a maximum of 30 grams of dried marijuana per month. Information on the medical marijuana program in Czech Republic is limited. It is unclear whether patients have to meet one or more qualifying medical conditions in order to possess or use medical marijuana. It is also unclear whether there is a limit on THC and CBD levels.</p>	

⁸ Austrian Agency for Health and Food Safety website <http://www.ages.at/en/service/ask-us-we-answer/hanf/>

⁹ Americas Society of Council of the Americas. Medical Marijuana Planted in Chile. <http://www.americasquarterly.org/tags/fundacion-daya>

¹⁰ Latin American Herald Tribune. Chile Authorizes Second Cultivation of Pot of Medicinal Purposes. <http://lahl.com/article.asp?ArticleId=2368493&CategoryId=14094>

Last updated: November 17, 2015

Italy	The use of medical marijuana has been legal since 2007. Currently, physicians can prescribe medical marijuana. The Ministry of Health in Italy does not provide a list of qualifying conditions for physicians to prescribe marijuana, however, similar to the Netherlands, marijuana tends to be prescribed when there is a lack of treatment options in the country. Patients with a prescription can purchase dried marijuana imported from the Netherlands at local pharmacies. However, in 2013, only a few dozen people accessed the medical marijuana program because the cost of marijuana was too high. In September 2014, the Italian government announced a pilot project to grow medical marijuana at a secure military lab outside of Florence. The medical marijuana will be distributed through pharmacies by the end of 2015. ¹¹ The purpose of the pilot project is to reduce the cost of medical marijuana and to make it more available to qualifying patients. To date, there is no further information on the regulatory requirements for cultivating and distributing medical marijuana.	
Germany	Marijuana for medical purposes is legal in Germany. In 2011, Germany allowed for marijuana-containing proprietary medical products to be manufactured and prescribed, after clinical testing and licensing by the Federal Institute for Drugs and Medical Devices (BfArM). ¹² However, the medical marijuana program in Germany is highly restrictive and costly (€15-20 per gram). Only a very limited number of qualifying patients with a prescription are allowed to purchase dried marijuana from pharmacies. These patients suffer from chronic pain, multiple sclerosis, Tourette's syndrome, and other severe illnesses. ¹³ The pharmacies import four strains of dried marijuana from the Netherlands. Although BfArM may grant a license to cultivate marijuana for scientific purposes or other purposes in the public interest, up until July 2014, no exemptions to cultivate for medical reasons, for personal use, have been granted. In July 2014, a Court ruling in Cologne granted approval on a case-by-case basis, to three people for personal cultivation of medical marijuana. ¹⁴	

¹¹ Reuters. Secure Italian Military lab to grow medical marijuana. <http://www.reuters.com/article/2014/09/18/us-italy-marijuana-idUSKBN0HD21G20140918>

¹² European Monitoring Centre for Drugs and Drug Addiction. Country overview: Germany. <http://www.emcdda.europa.eu/publications/country-overviews/de>

¹³ International Association for Cannabinoid Medicines. Bulletin of Feb 15, 2009. http://www.cannabis-med.org/english/bulletin/www_en_db_cannabis_artikel.php?id=289

¹⁴ Leafly. Germany Now Permitting Chronic Pain Sufferers to Grow Cannabis for Medical Reasons. <http://www.leafly.com/news/headlines/germany-now-permitting-chronic-pain-sufferers-to-grow-cannabis-fo>



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-003214
Unclassified
For Information

MEMORANDUM TO THE DEPUTY MINISTER

Results from innovative ways of working at the Research and Statistics Division (FOR INFORMATION)

SUMMARY

- This note outlines the results from the innovative program of research undertaken by the Research and Statistics Division last year.
- RSD has developed significant new knowledge and experience by undertaking a more flexible and innovative program of research. RSD has the capacity to capitalize on new ways and methods of looking at issues and technologies for improving understanding of complex issues.
- The accompanying report provides a summary description of the results of the research. (See Annex A).

BACKGROUND

Over the last year, RSD embarked on a series of projects which stepped outside conventional research approaches. These included collaboration with Public Safety Canada, and projects aimed at boosting our forward looking research capacity. Directed by the Deputy Minister to look at old issues in new ways, experiment with new methods influenced by social media, to include non-traditional stakeholders, and to identify areas that may impact the Department in the future, RSD worked on a number of fronts.

DISCUSSION

RSD led the roundtable on mental health issues with selected first-responders and front-line service providers from the Health sector to gather upstream perspectives from non-traditional service providers. With full participation from Public Safety Canada, this model was followed by them in their subsequent planning for issues exploration. Other areas of mutual interest were raised, including the Economics of Policing, Big Data, and forward looking research.

Issues were examined without being restricted by traditional departmental responsibility. In addition to collaboration with Public Safety Canada, RSD also held roundtable discussions with different groups, one with psychologists and psychiatrists on



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-003214
Unclassified
For Information

neurocognitive disorders (e.g., Fetal Alcohol Spectrum Disorder, etc.) to see if the Department could leverage the existing forensic mental health system to better inform the courts on these issues.

RSD engaged in several "provocative papers" where input from experts and academics in the following areas was sought: mental health, bail, sentencing, and legal literacy. Experts were permitted to freely explore options for addressing these areas and yielded responses for consideration. For example, the Chair of the Ontario Review Board, responsible for managing accused found Unfit to Stand Trial and Not Criminally Responsible on Account of Mental Disorder, suggested that a model federal mental health act could be a starting point for addressing some of the inconsistencies in provincial Mental Health Acts that contribute to eventual contact with the criminal justice system. As another example, an academic who specializes in bail, suggested that all recommendations to date on bail reform are mere "tinkering" with the system, whereas a more comprehensive strategy (similar to the implementation of the Youth Criminal Justice Act) is needed to make a significant impact.

RSD developed a forward-looking program of research to explore issues and solutions to a range of issues on the horizon. Three project areas characterized this forward looking exercise: 1) Gists retrieved and summarized online reports and blogs in specified areas; 2) an internal consultation with Policy Committee working group members, including regional offices as well as portfolio representatives; and, 3) an external Delphi process, which is a structured conversation with experts from various fields. In the Delphi process, over 30 experts from disparate fields highlighted current pressures (e.g., increasing complexity, technology, public expectations), specific societal issues (e.g., need to redefine education economic instability, bifurcation of the labour market, national identity, Indigenous issues, governance, etc.) as well as suggestions for solving social problems (e.g., openness and innovation, capacity building, new voices, more voices, meaningful engagement, adaptive capacity, etc.). The value in looking ahead lies with allowing the Department some time to prepare, build expertise, consult and develop solutions.

RSD contracted with a firm to explore how advances in Big Data could benefit issue identification and solutions. Interviews were held with Justice employees and selected national and international experts as part of this work. A strategy development workshop was held with 16 officials (primarily from Justice) on November 25th. The Department is considering how it can move forward in harnessing the potential of Big Data.

RESOURCE IMPLICATIONS

N/A



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-003214
Unclassified
For Information

COMMUNICATION IMPLICATIONS

None of this work has been published, but some reports have been released through Access to Information and Privacy Requests.

RSD observed governmental organizational structure can make innovation and collaboration across groups and Departments difficult. It is essential in the face of challenges that communication be the watchword, and that continued liaison be maintained despite additional planning and approval processes, hierarchical structures, and mandates.

NEXT STEPS

RSD has developed significant new knowledge and experience by undertaking a more flexible and innovative program of research. RSD has the capacity to capitalize on new ways and methods of looking at issues and technologies for improving understanding of complex issues. RSD also noted the apparent readiness of external stakeholders to participate meaningfully in our work.

RSD demonstrated the value in using multiple approaches to obtaining expert input, hearing from different vantage points, and engaging citizens in dialogue about what they see as issues looming on Canada's horizon.

RSD intends to continue to identify new technologies and methods for obtaining and synthesizing information, building upon the work to date.

RSD has shared the results of much of this work with the Deputy Minister's Office, Litigation Branch and the Policy Sector and are exploring ways to link these different perspectives into our existing work.

Attachment(s)

Annex A – Results from RSD's Innovative Strategic Data Analysis and Forward Looking Research Program

Prepared by:

CT Catherine Thomson, Principal Researcher, Research and Statistics Division,
613-957-9610

February 15, 2016



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-003214
Unclassified
For Information

Reviewed by:

AM

Alyson MacLean, A/Director, Research and Statistics Division
613-941-2266
February 19, 2016

Approved by:

Stan Lipinski, Director General, Policy Integration and Coordination Section
613-941-2267
February 19, 2016

Approved by:

Donald K. Piragoff, Senior Assistant Deputy Minister, Policy Sector
613-957-4730

Date:

22/02/16

S E R V I N G C A N A D I A N S
A U S E R V I C E D E S C A N A D I E N S

Results from RSDs Innovative Strategic Data Analysis and Forward Looking Research Program

Research and Statistics Division

February, 2016

This report is a work product, and the findings presented herein are not to be construed as an official Department of Justice Canada position, unless they are designated as such by other authorized documents and the report is posted on the official Department of Justice Canada Web site.



Department of Justice
Canada

Ministère de la Justice
Canada

Canada

Research Report

Contents

1. Introduction.....	2
2. Methodology.....	2
3. Results	2
3.1 LOOK AT CURRENT ISSUES IN NEW WAYS AND RE-ESTABLISH OLD NETWORKS.....	2
3.1.1 <i>International alternatives to sentencing reform – contract with Professor Julian Roberts.....</i>	2
3.1.2 <i>Criminalizing Drug Possession and Use: Different Policy Approaches and International Alternatives – written by RSD researcher, Kyle Coady.....</i>	3
3.1.3 <i>Mental Health in the Criminal Justice System – Contract with Justice Richard Schneider.....</i>	3
3.1.4 <i>Cultivating Legal Literacy – contract with PLEI practitioner Sarah McCoubrey.....</i>	3
3.1.5 <i>Broken Bail – contract with Professor Cheryl Webster.....</i>	3
3.2 ENGAGING NON-TRADITIONAL STAKEHOLDERS / LOOK AT ISSUES ACROSS SECTORS-ROUNDTABLES.....	4
3.2.1 <i>First Responders to Mental Health.....</i>	4
3.2.2 <i>Forensic Mental Health and Fetal Alcohol Spectrum Disorder (FASD)</i>	4
3.3. FORWARD LOOKING RESEARCH PROGRAM.....	5
3.3.2 <i>Internal (Departmental) Consultation.....</i>	5
3.3.3 <i>Scenario Building Workshop – Contract with Infinite Futures (Wendy Schultz)</i>	6
3.3.4 <i>GISTS – contract with firm Shaping Tomorrow.....</i>	6
3.3.4.1 <i>Shadow Economy.....</i>	6
3.3.5 <i>Future of youth – contracts with three experts in youth issues</i>	7
3.3.5 <i>Crowdsourcing with Canadian Law Students – contract with ThoughtExchange</i>	8
3.3.6 <i>Social Media Monitoring Project – contract with Centre of Excellence for Public Sector Marketing.....</i>	8
3.3.7 <i>Effectiveness of Advancing Technology in Research – written by RSD researcher, Shauna Martin</i>	8
3.3.8 <i>Big Data – Information Management – contract with ES Tunis and Associates.....</i>	9
4. Conclusion.....	9
Annex A.....	10

Research Report

1. Introduction

In the past 10 years, research has been driven by immediate and short-term demands. It has also been less empirical and forward looking and far more reactive. Beginning in late 2014, as part of transition planning, the Research and Statistics Division (RSD) embarked on a series of projects that moved beyond these parameters by exploring strategic data analysis from an innovative lens and boosting the Department's forward looking research capacity. The Deputy Minister of Justice directed RSD to look at old issues in new ways, experiment with new methods influenced by social media, to include non-traditional stakeholders, and to identify areas that may impact the Department in the future. Also, the division was tasked with exploiting opportunities to work more closely with other federal departments with similar issues, such as Public Safety Canada, as a way to leverage resources and to collaborate on issues of common interest. This report highlights and summarizes the breadth and depth of activities undertaken as part of this work.

2. Methodology

RSD used a variety of methods and approaches for gathering information. The objective was for RSD to look at new and renewed ways to do its work. Policy issues are more complex and interconnected; research must adapt to this reality and dig deeper to fully understand these multifaceted issues.

Topics were not defined in the traditional sense. RSD went outside of traditional criminal justice system mandates and boundaries to identify issues occurring in society that may impact the justice system in the future as well looking at longstanding issues in new ways. Also, efforts were made to tap into networks that have been established by other federal departments, specifically Public Safety Canada.

Below highlights the breadth and depth of projects that were completed as part of this process.

3. Results

3.1 Look at current issues in new ways and re-establish old networks

RSD developed a series of "provocative papers" to highlight the following issues: international alternatives to sentencing reform; international alternatives to criminalization of drugs; mental health in the criminal justice system; advancing legal literacy; and the need for extensive bail reform. Summaries of these papers are included below.

3.1.1 International alternatives to sentencing reform – contract with Professor Julian Roberts

Canada's last most significant sentencing reform took place about 20 years ago. Since then piecemeal amendments have been made to sentencing legislation. In a paper written by Julien Roberts, he provides three examples of sentencing models used internationally. The first is a sentencing guideline used in Minnesota that utilizes a two-dimensional grid to help judges determine sentences. The second, used in England and Wales, requires judges to proceed through

Research Report

step by step procedures to determine a sentence. The English model includes sentencing ranges. The idea is that if all courts follow the same steps, decisions across courts should be more consistent. Finally, Israel provides guidance by words, which is similar to the English model, but without any sentencing ranges. The sentencing court is to create its own Proportionate Sentencing Range and then determine whether to deviate from that range. The international experience suggests that guidelines are the most effective way to achieve policy goals.

3.1.2 Criminalizing Drug Possession and Use: Different Policy Approaches and International Alternatives – written by RSD researcher, Kyle Coady

This paper provided a platform to dispel the common myths and anxieties associated with the consumption of illicit substances and the criminalizing practices emanating from official responses to drug possession. Having reviewed the evidence, we return to the central question: If Canada adopted an approach other than criminalization, what would this look like? In terms of outcomes there could be a reduction in not only usage rates but also in the harms associated with drugs and drug use. Regardless of the approach, Canadians could expect a change in the role of police, prosecutors, doctors and social service workers who work with communities, drug users and their families.

3.1.3. Mental Health in the Criminal Justice System – Contract with Justice Richard Schneider

Justice Schneider tells a compelling story that illustrates how investments in the civil mental health system will reduce the reliance on the criminal justice system. He argues that the high prevalence of mental health issues in the criminal justice system is partially the result of the following failures in the civil system: hospitalization is based on dangerousness instead of illness and/or a need for treatment, there is an inability to involuntarily treat those who are hospitalized (so long as they are capable of consenting), and discharge from the hospital occurs as soon as the statutory criteria are met even if the patient is not stable. Justice Schneider suggests a model federal Mental Health Act could alleviate some of these concerns in the civil system and bring uniformity across Canada. In 1987, the ULCC proposed a model provincial/territorial Uniform Mental Health Act and Justice Schneider suggested this could be a starting point for federal involvement. He argues that we cannot continue to try and fix the problem in the criminal justice system if the problems partially resolve outside of the criminal system.

3.1.4. Cultivating Legal Literacy – contract with PLEI practitioner Sarah McCoubrey

The author argues that there is a need for strong, national leadership by the Department of Justice on legal literacy as a key component of access to justice. Ms. McCoubrey highlights research by the Department that shows that legal problems can trigger additional problems and cluster when left unresolved. Reducing the stress and cost of legal disputes is directly related to the timing of intervention. Early steps are simpler, cheaper and address an issue before it has spiraled.

3.1.5. Broken Bail – contract with Professor Cheryl Webster

There are not only more accused in pre-trial detention than sentenced custody (a trend dating back to 2004/2005), there is a growing number of individuals with “failure to comply with a court order”

Research Report

as their most serious offence (1/8 of all accused in court in 2013). Professor Webster contends that previous bail recommendations by academics, FPT officials, and justice system professionals can be characterized as “tinkering” with the current bail system. Given that the problems in bail are presently systemic and endemic – affecting every aspect of the bail system – the introduction of a new Bail Reform Act may more effectively open up the necessary space for cultural change than the “tinkering” which has been proposed to date. The paper argues that a new bail regime should introduce strong incentives to discourage risk averse behaviour, improve public education, address conditions and consequences of violations of release, reduce the reliance on sureties, and revisit reverse onus provisions.

3.2 Engaging non-traditional Stakeholders / look at issues across sectors- Roundtables

RSD hosted two roundtables related mental health and FASD/neurocognitive disorders. This first one engaged first responders not traditionally working in the criminal justice system including the health and social service sector. The second roundtable on FASD/neurocognitive disorders engaged psychologists and psychiatrists who work in the forensic mental health system to see how the courts could better leverage the existing forensic mental health system to identify accused with FASD.

3.2.1. First Responders to Mental Health

Fifteen participants attended the roundtable, seven of whom prepared short papers outlining their work and programs prior to the event. The meeting sparked a stimulating discussion on promising practices, with several agreed upon principles, including the importance of collaboration across sectors, training for front-line prevention, and programs to keep those with mental health issues out of the criminal justice system whenever possible. One of the papers lays out a proposed course of action, with the Department acting as a coordinating agency focusing on aboriginal and mental health issues. Rupert Ross, a retired assistant Crown Attorney from northern Ontario, has identified a program of “whole-family healing” to reduce aboriginal youth suicide attempts. His idea of an Aboriginal-led, family-based response is modelled after the Tommy Beardy Family Healing Center at the Muskrat Dam First Nation, but with three modifications: the trigger for service would not be spousal violence, but youth suicide attempts; there would be overt discussion of the failure of residential schools to help children develop emotional competencies; the express focus of the program would be traditional teachings of healthy relations. Representatives from Public Safety Canada attended the roundtable and discussions are being held on next steps to advance some of the ideas discussed at the roundtable.

3.2.2. Forensic Mental Health and Fetal Alcohol Spectrum Disorder (FASD)

RSD hosted a roundtable with 13 experts in forensic mental health and FASD on how justice decision makers might obtain information about an accused’s neurocognitive disorders, and in particular how to broaden and leverage the existing forensic mental health system more effectively. Generally, the forensic mental health system does not assess individuals for neurocognitive disorders, including FASD. Participants also agreed that the forensic system is well suited to take on this role and that the costs would be minimal. Participants recommended

Research Report

training of forensic psychiatrists and psychologists to learn how to do a complete neurocognitive assessment would increase the ability of the criminal system to respond to individuals with these disabilities. A modest investment by the Department could pay considerable dividends as a model of policy capacity development at the local level while supporting our Minister and federal priorities. Advancing this recommendation by participants is already occurring among Justice Officials.

3.3. Forward Looking Research Program

RSD engaged in a number of activities that fall under the umbrella of forward-looking research planning. Many of these activities looked at issues outside of traditional mandate responsibilities and engaged non-traditional stakeholders. These projects looked at issues proactively and some used newer technologies/innovative methods. Projects included a Delphi with external experts, an internal consultation, a scenario building workshop, a series of papers on future justice topics (referred to as GISTS), a series of short papers on youth in Canada, a crowdsourcing exercise with Canadian law students, a social media monitoring project, an analysis of new policy techniques, a review of big data and a strategy development session for big data. Each of these projects are highlighted below.

3.3.1. Delphi – External traditional and non-traditional experts

An External Delphi engaged thirty-three identified experts and thought leaders with varying areas of expertise: Aboriginal issues, culture, urban issues, family, national security, intimate partner violence, youth, health and mental health, community engagement, political science, immigrants, future studies, sustainability, economy and sharing economy, technology, international crime, surveillance, environment, poverty, urban issues, social entrepreneurs, international security, organizational learning/future of work, legal services, technology law, space law, IP law, and public policy. Consistent with the traditional Delphi, RSD used the same group of participants during all three rounds, but instead of seeking consensus on one question, RSD worked toward building a list of issues, their interconnections, and how the Department might face/deal with them moving forward. The Delphi unfolded as follows: In Round 1, RSD asked respondents to look forward 10-15 years and, based on their area of expertise, characterize the most pressing issues that Canada and/or Canadians may face. In Round 2, RSD sought to add a level of complexity to our understanding of the issues identified in round 1, by asking respondents to review the issues initially identified and to discuss interconnections, identify gaps and blind-spots, and provide any additional missing information. The value of the diversity of perspectives became evident in this round. In the third and final round, RSD asked participants to take a more active and concrete approach, to indicate where the Department might be able to make a difference and how we might start to do that. There were many issues identified that warrant further investigation as to how they may impact the Department in the future.

3.3.2. Internal (Departmental) Consultation

The same question asked as part of the Delphi (future issues impacting Canada) was put to members of the Policy Committee Working Group. RSD received responses representing groups and individuals including responses from regional offices, portfolios, and on one question

Research Report

internal to the Department – from regional offices, portfolios, the Public Law Sector, and the Policy Sector. There was some overlap in topics identified from the Delphi, especially in the areas of technology.

3.3.3. Scenario Building Workshop – Contract with Infinite Futures (Wendy Schultz)

RSD contracted with a futures research company in the United Kingdom to lead a scenario building workshop that was held on May 21, 2015 in Ottawa involving 25 participants. Participants were identified through the Policy Committee Working Group and there were also representatives from Public Safety Canada, Policy Horizons Canada, and the Privy Council Office's Innovation Hub. The workshop used three futures tools to frame and guide the scenario-building process: the three horizons framework, the "axes of uncertainty" scenario method, and the Verge general practice framework. It built on the topics identified through the Delphi and internal discussions.

3.3.4 GISTS – contract with firm Shaping Tomorrow

A Gist is a human curated document that identifies potential opportunities and risks within issues and is designed to spark strategic conversations within organizations. A Gist is developed using software called "Extractor Tools" that sifts the internet for relevant news on a given subject, extracts the forward looking information, and summarizes the data into bite size forecasts. This new approach to identifying trends has proven to be both timely and extremely cost efficient for RSD. RSD contracted with this firm for four papers: shadow economy; future of justice; social financing; and social engagement.

3.3.4.1 Shadow Economy

This GIST explored three areas of the shadow/underground economy. The first area explored was the hidden/informal market (e.g., fees for service, unreported taxes). The report indicates that two-thirds of money from the informal economy is still spent on the formal economy. The second area explored was the grey market (e.g., importing of knockoffs, infringes on intellectual property rights). The third area explored was the black market (e.g., illegal activities, weapons, and human trafficking). The value of the black market is estimated at \$1.8 T US.

3.3.4.2 Future of Justice

This Gist identifies six factors shaping the future of justice: 1) increased competition as actors from outside the legal profession leverage new technologies ahead of established law firms; 2) new business models that are disrupting conventional approaches to delivering legal services; 3) access to the law brought about by current and emerging digital technologies that provide access to legal information and opportunities for DIY Justice and online court processes; 4) client empowerment, which is related to people's preference to use online communication tools to gather information and to access services; 5) technology and digital disruption, that is, changes in technology and increased use of internet and in particular mobile devices and smart phones are challenging our current ways of communicating with users, requiring pivots to new platforms/approaches; and 6) shifts in the legal profession, and specifically, new understandings

Research Report

of what it means to have a career in law, the emergence of virtual law firms and changing client expectations of clients, all force firms to rethink how they do business and put more power into the hands of the clients.

3.3.4.3 Social Financing

Results from this paper show that public and private sector organizations, such as Goldman Sachs and Bloomberg Philanthropy, are increasingly embracing new approaches to fund social programs. There are examples in both the US and UK, where social impact bonds are used to reduce recidivism among offenders. The US government has created a business classification (Social Purpose Corporation) for corporations that include social goals and considerations in their articles of incorporation, signaling an acceptance of social entrepreneurship. The findings from the Gist suggest that these examples will be common place by 2040, where traditional social service organizations will share a significant amount of their burden with stakeholders from the social financing arena. Building on examples found in public sectors outside Canada, Justice could, as Public Safety has been doing, explore opportunities to support social financing including social impact bonds.

3.3.4.4 Social Engagement

This Gist article suggests government must engage citizens via information and communication technologies (ICT) or risk losing citizen interest/support, especially younger generations. Digital tech can bring new voices to policy-making/new sources of innovation. Direct engagement via ICT can lead to 'purer' democracy: increased participation/satisfaction from citizens, bottom-up, user-driven/client-focused, give-and-take/two-way nature, massive collaboration, unprecedented access to data/knowledge. The article notes that governance structures that are more horizontal/participatory, more responsive/efficient, and more transparent, leads to an increasingly well-informed/empowered citizenry.

3.3.5 Future of youth – contracts with three experts in youth issues

Each contractor wrote a think piece on today's younger generation and potential implications for the Canadian government. As background, the RSD identified potential issues affecting younger Canadians, including youth un/underemployment, student debt, the generational income gap, generational tensions in social values, and youth social/political engagement. Contractors identified the following two issues as critical for government: Transition to adulthood and engagement. Today's young people, relative to previous generations, are experiencing a delayed transition to adulthood, characterized by more time at school and living at home (the family home), difficulty paying off student debt and saving for a down payment on a house or condo, and delays starting a career and family. A delayed transition to adulthood – without job security, a mortgage, property taxes, and dependents to care for – may delay youth interest in public life. Without established community roots, young people may be less inclined to engage in social/political affairs. And some youth may be isolated from current affairs news and information, and may not engage because they do not know enough about the subject, not because they are apathetic. New technology has changed the way people, youth in particular,

Research Report

access information and news. If their Facebook friends or Twitter followers do not share content about public affairs, government, or policy, many young people will miss this information.

3.3.5 Crowdsourcing with Canadian Law Students – contract with ThoughtExchange

RSD contracted with ThoughtExchange, a software platform based on crowdsourcing principles, to see how Canadian law students responded to two key questions: “What will be the main changes in the business of law in the next 5-10 years and why do you think that?” and “What will be some important new areas of law in the next 5-10 years and why do you think that?” The top five responses categories to changes in the business of law are: access to legal services, technology, changing the billing model, job prospects for lawyers, and increased reliance on computing and privacy tools in legal practice. The top five responses to emerging areas in law are: legal aspects of computing and privacy law, environmental law, public law, aboriginal issues, and international law. Included is the breakdown of response categories by popularity of response. Findings from this exercise confirmed some of the issues identified under the Legal Services Review.

3.3.6 Social Media Monitoring Project – contract with Centre of Excellence for Public Sector Marketing

The Centre of Excellence for Public Sector Marketing has developed sophisticated techniques for scouring the huge amounts of data available on social media to provide clients with insights on online discussion about topics of interest. RSD hired the firm to explore Twitter and Facebook activity on “dissatisfaction with the justice system” in Canada from January to April, 2015. Using key words and methods to remove non-Canadian and other irrelevant content, the analysis found issues related to changes to the assisted suicide law, the right to wear a hijab in court, Bill C-51, “get tough” law and women in the Canadian justice system in general were prominent themes. An analysis of the top 21 communities (by volume of tweets) revealed various political, media-based and legal community discussion groups as well as groups coalescing around human rights, religious freedoms and dispersed dissatisfaction with the Canadian justice system. The main take away is the important need to identify the key influencers that might be part of social movements related to justice. This could become a useful tool for locating emerging issues.

3.3.7 Effectiveness of Advancing Technology in Research – written by RSD researcher, Shauna Martin

This study was initiated to better understand how new policy tools can be used from a research perspective. It focuses on six policy tools (nudging, big data, design thinking, innovation hubs/labs, social media, and crowdsourcing) that are a direct result of the advancements of technology. The report found that these tools seek to change the way research and policy are created and shared with the public. The report concluded that at this time, there is no tangible evidence that these methods have been successfully used as tools to undertake policy research where the results were fed into a policy decision. The risks associated with the use of these methods can create a biased response / action / opinion without proper vetting of participants or researchers. More research is needed in this area to make sure these policy tools can be used from a research perspective.

Research Report

3.3.8 Big Data – Information Management – contract with ES Tunis and Associates

The first part of the project involved a literature review of Big Data applications in Canada and abroad. This also included key-informant interviews with selected Departmental and Canadian/International experts on Big Data. A report was prepared and helped inform the discussion at the Strategic Planning Workshop hosted by RSD on November 25th, 2015.

The Big Data Workshop was attended by 20 officials, with representation from the Information Solutions Branch, Litigation Branch, Legislative Services Branch, Communications Branch, Information Law and Privacy Section, Finance and Planning Branch, Business Analytics Unit as well as representation from the Canadian Centre for Justice Statistics, Public Safety Canada, and the Privy Council Office (a list of attendees is included in Annex A).

The research conducted by ESTA found that there are no serious technological impediments that would prevent the Department from moving forward with Big Data projects. The one overarching conclusion that can be derived from this work is that large legal organizations that fail to plan for the implementation of new technologies are likely to find themselves at a significant disadvantage from a competitive and cost-effectiveness standpoint.

4. Conclusion

The world is complex, fluid, interconnected and interdependent. When we focus on single factors or shut out other perspectives we are vastly oversimplifying the world, its problems and its solutions. This means that we cannot focus on one issue, driver or trend in isolation, but rather how they may interact, magnify or moderate other related factors.

This work solidified the need to do research in new ways. As a result of this work, RSD will continue to look at issues across sectors, and not be restricted by traditional mandates, will include proactive, forward looking research into our planning processes, will establish new and re-establish old networks, both inside of government and outside of it, and will continue to understand and utilize existing technology and advances in data collection and analysis.

This work also highlighted some several challenges related to governmental organizational structure that make innovation across groups and departments difficult, such as onerous planning and approval processes, strict hierarchical structures, and overlapping and competing mandates. However, public servants can find solutions and shift the way that we do work by building adaptive capacity. By focusing on adaptation, this solution highlights how we work by creating the priority to identify issues, make plans and respond to new and emerging issues. This kind of thinking focuses on imaginative, iterative, collaborative, and human-centered approaches and focuses on building nimble/agile organizations that have a high adaptive capacity.

Research Report

Annex A

Name	Organization
Dugald Topshee	Information Solution Branch, Management and CFO Sector
Natasha D'Souza	Human Resource Branch, Management and CFO Sector, Justice Canada
Eric Ward	Information Law and Privacy Section, Public Law Sector
Susan Fisher-Clement	Communication Branch
Charlotte Fraser	Research and Statistics Division, Policy Sector
Jacque Ouellette	Information Solution Branch, Management and CFO Sector
Stan Lipinski	Policy, Integration, and Coordination Section, Policy Sector
Lynn Barr-Telford	Health, Justice, and Special Surveys, Canadian Centre for Justice Statistics, Statistics Canada
Paul Roy	Senior Assistant Deputy Minister's Office, Policy Sector
Minelle D'Souza	Library Services, Management and CFO Sector
Jean-Sebastien Rochon	National eDiscovery and Litigation Support Services, Litigation Branch
Ryan Hum	Central Innovation Hub, Privy Council Office
Ting Li	Research and Statistics Division, Policy Sector
Mala Khanna	Information Law and Privacy Section, Public Law Sector
Andrew Fobert	International Assistance Group, Litigation Branch
Bill Bedford	Finance and Planning Branch, Management and CFO Sector
Michel Champagne	Communication Branch
Claudie Besner	Finance and Planning Branch, Management and CFO Sector
Peter Beaman	Legislation and Regulations Group, Legislative Services Branch
Esther Rubenstein	Strategic Policy and Research Division, Public Safety Canada



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-002951
Protected B
For Information

MEMORANDUM TO THE DEPUTY MINISTER

Mapping Justice plans to the Security Policy Implementation Notices (SPIN) (FOR INFORMATION)

SUMMARY

- This note is in response to your request to map the Department's current plans and priorities to the Security Policy Implementation Notices (SPIN) issued by the Communications Security Establishment (CSE). Two SPIN were issued in 2015.
- **SPIN 2015-01**, issued December 16, 2015, provided Priority IT Security Actions to be addressed by departments and agencies to reduce their exposure and vulnerability to cyber threats. The SPIN focused on three main areas: Patch Management, Privileged Account Management, and Systems Hardening.



- **SPIN 2015-02** was issued December 22, 2015 to promulgate the Government of Canada Cyber Security Event Management Plan (GC CSEMP), an operational framework to ensure the effective management of cyber security events at the enterprise level that replaces the previous GC Information Technology Incident Management Plan (GC IT IMP). Justice uses this plan to guide IT security operations and processes, including the mandatory notification of cyber events to the GC Cyber Incident Response Team (GC-CIRT).



s.16(2)(c)

s.21(1)(b)

Protected B

BACKGROUND

Development of this information note was based on a request from the Deputy Minister to the Chief Information Officer (CIO) in response to an email received from Yaprak Baltacıoğlu, Secretary of the Treasury Board of Canada (See Annex A), in which the Secretary highlighted the crucial role that all departments play in supporting the enterprise-wide management of IT security and the accountability of every deputy for IT security within his or her department.

TBS issues policy advice for departments and agencies via Security Policy Implementation Notices (SPIN) to help departments and agencies focus efforts and prioritize the implementation of security controls with the objective to protect government networks and information systems.

The note from the Secretary, and SPIN, also make reference to the Communications Security Establishment (CSE) "*Top 10 IT Security Actions to Protect Government of Canada Internet-Connected Networks and Information*" (or simply, the "CSE Top 10"). These actions are CSE's top suggested cyber risk mitigation measures taken from existing requirements embedded in the "*Operational Security Standard: Management of Information Technology Security*" (MITS).

SPIN 2015-01 issued on December 16, 2015 highlights three security management actions based on recommendations from the CSE Top 10 list that need to be reinforced: patching of operating systems (OSs) and applications; enforcing the management of administrative privileges; and hardening of information systems.

s.16(2)(c)

s.21(1)(b)

Further clarification on IT security roles and responsibilities of departments and agencies will be provided when TBS issues the revised Policy on Government Security suite in summer 2016.

DISCUSSION

CCM#: 2016-002951

Protected B

s.16(2)(c)

s.21(1)(b)

Patching

Approve and publish patch management program details in alignment with TBS/SSC/CSE mandatory patching policy and/or guidance (vulnerabilities and exposure reviews, patch testing, and integration with core capabilities)."

Hardening includes activities such as decommissioning and removal of systems that do not meet security standards, reviewing and securing configurations for hardware and software on departmental devices, establishing processes for vulnerability assessment and remediation processes, limiting and controlling external access points to the network, and analyzing and securing Justice built applications in alignment with Shared Services Canada (SSC) data centre and network consolidation.

Privileged Account Management involves controlling who has administrative access rights to departmental systems. An initial sweep of all administrative accounts was conducted in 2015-16 and is now re-evaluated quarterly. Absolutely no one has administrator level of access unless they are in an IT support role working where this level of access is warranted.

Justice's **Cyber Security Event Management Plan** (formerly termed an Incident Management Plan) *"Identify and draft approach for developing IT Security Plan / DSP updates and develop an IT Incident Management Plan"*

Shared Services Canada has also announced that it is developing a responsibility assignment map, the goal of which is for SSC and its customer organizations to have a clear picture of how IT security is managed and operated at both the enterprise-level and within departments and agencies (Annex D).

CCM#: 2016-002951

- 4 -

Protected B

RESOURCE IMPLICATIONS

s.16(2)(c)

s.21(1)(b)

Justice is well aligned with the SPIN requirements

COMMUNICATION IMPLICATIONS

Departmental communications will be issued as required

NEXT STEPS

The DSO and DCIO will continue to monitor and address Security Policy Implementation Notices as they are issued.

Attachment(s)

Annex A – email from Yaprak Baltacıoğlu, Secretary of the Treasury Board of Canada

Annex B –

Annex C – Web link to the Security Policy Implementation Notices (SPIN)

Annex D – Shared Services Canada announcement on Shared Security

Prepared by:

David Jakob, Director IM/IT Co-Located Services, Management Sector, (613-941-4032)

Date: February 4, 2016

CCM#: 2016-002951

- 5 -

Protected B

Reviewed by:

Jean-Francois Lalonde, Deputy CIO, Management Sector, (613-941-5202)

Date: February 8, 2016

Ivan Sicard, Director General and Departmental Security Officer, Management Sector
(613-907-3907)

Date: February 10, 2016

Approved by:

Marie-Josée Thivierge, ADM, Management Sector, (613-907-3724)

Date: 12-02-2016.

Annexes

s.16(2)(c)

s.21(1)(b)

Annex A – email from Yaprak Baltacioğlu, Secretary of the Treasury Board of Canada

Annex B – [REDACTED]

Annex C - Security Policy Implementation Notices are posted on the following web site:

<http://publiservice.tbs-sct.gc.ca/sim-gsi/publi/spin-amps/spin-amps-eng.asp>

Annex D – Shared Services Canada announcement on Shared Security – Defining roles and responsibilities to keep information technology infrastructure secure:

<http://service.ssc-spc.gc.ca/en/news/infocus/2016-02-01-01>

Approved by:

Pierre Legault, Associate Deputy Minister

Date:

FEB 16 2016

CCM#: 2016-002951

From: Pentney, William <William.Pentney@justice.gc.ca>
Sent: Friday, January 29, 2016 4:04 PM
To: Legault, Pierre; Thivierge, Marie-Josée; Akerley, Marj; Sicard, Ivan
Cc: Poliquin, Stéphanie; Désormeaux, Suzanne
Subject: FW: Security Policy Implementation Notice / Avis de mise en oeuvre de la politique sur la sécurité

FYI. It would be useful to map our current status, and current plans and priorities, to the SPIN list. I know a lot of work has been done and we have a plan, but I would like to know how it aligns to the TBS requirements and timelines. Thanks

Bill

From: Yaprak Baltacioglu, Secretary of the TB / Secrétaire du CT [mailto:ZZSTBSCT@tbs-sct.gc.ca]
Sent: January-29-16 3:17 PM
To: Yaprak Baltacioglu, Secretary of the TB / Secrétaire du CT
Subject: Security Policy Implementation Notice / Avis de mise en oeuvre de la politique sur la sécurité

(La version française suit)

Dear Colleague:

I would like to take this opportunity to remind you of the importance of managing IT security to enable the delivery of Government of Canada (GC) programs and services.

In order to keep the pace with the rapidly changing threat and technology environments, IT security requires ongoing commitment from all departments and agencies that are subject to the Policy on Government Security to maintain the security posture of their organizations, as well as the GC enterprise. Every department and agency plays a crucial role in supporting the enterprise-wide management of IT security. While every deputy head is accountable for IT security within his or her department, all stakeholders have a shared responsibility in securing government-wide IT services and environments. Further clarification on IT security roles and responsibilities of departments and agencies will be provided when TBS issues the revised Policy on Government Security suite in summer 2016.

To help departments and agencies focus their efforts and prioritize the implementation of security controls to protect government networks and information systems, Communications Security Establishment (CSE) issued the "Top 10 IT Security Actions to Protect Government of Canada Internet-Connected Networks and Information" (CSE Top 10). In order to strengthen the integration of CSE's top suggested mitigation measures with existing requirements from the "Operational Security Standard: Management of Information Technology Security" (MITS), TBS has issued policy advice for departments and agencies via Security Policy Implementation Notice (SPIN 2015-01) on December 16, 2015 (copy attached).

This SPIN highlights three security management actions based on recommendations from the CSE Top 10 list that need to be reinforced: patching of operating systems (OSs) and applications; enforcing the management of administrative privileges; and hardening of information systems. Implementing robust practices in these areas by all departments and agencies will help to minimize intrusions or the impacts to networks if a successful cyber intrusion occurs. We have requested that departments and agencies ensure that their processes address GC requirements and implement the strong practices that have been identified.

I would also like to re-emphasize the importance of ensuring that IT security priorities are identified and considered during your annual departmental security and IT planning activities. Finally, I strongly encourage you to discuss with your departmental Chief Information Officer, Departmental Security Officer,

IT Security Coördinators and other relevant departmental officials how IT security activities support the delivery of your programs and services. I have also copied deputy heads from Crown corporations and their subsidiaries, agents of Parliament (including the Information Commissioner), foundations and some agencies that spend taxpayers' money or perform public functions to keep them apprised of priority actions and to invite them to join us in our effort to secure the GC enterprise.

I thank you for your continued collaboration in enhancing the security of the GC enterprise.

Chers (chères) collègues,

Je tiens à souligner l'importance de gérer la sécurité de la TI de manière à permettre l'exécution des programmes et la prestation des services du gouvernement du Canada (GC).

Afin d'être en phase avec la rapide évolution des contextes de la menace et de la technologie, la sécurité de la TI exige un engagement continu de la part des ministères et organismes assujettis à la Politique sur la sécurité du gouvernement, afin de protéger la sécurité de leurs organisations et du gouvernement du Canada dans son ensemble. Le rôle de soutien des ministères et organismes jouent un rôle essentiel à la gestion pangouvernementale de la sécurité de la TI. Bien que les administrateurs généraux soient responsables de la sécurité de la TI de leur ministère, tous les intervenants ont une responsabilité partagée de sécuriser les services de la TI et les environnements de la TI à l'échelle du gouvernement. On apportera de plus amples précisions sur les rôles et les responsabilités des ministères et des organismes en matière de sécurité de la TI lorsque le Secrétariat du Conseil du Trésor du Canada (SCT) aura publié la version révisée de l'ensemble des politiques découlant de la Politique sur la sécurité du gouvernement à l'été 2016.

Afin d'aider les ministères et les organismes à cibler leurs efforts et à hiérarchiser la mise en œuvre de contrôles destinés à protéger la sécurité des réseaux et systèmes d'information du gouvernement, le Centre de la sécurité des télécommunications (CST) a publié « Les 10 mesures de sécurité des TI visant à protéger les réseaux Internet et l'information du gouvernement du Canada ». Afin de renforcer l'intégration des mesures d'atténuation que propose le CST aux exigences actuelles de la Norme opérationnelle de sécurité : Gestion de la sécurité des technologies de l'information » (GSTI), le SCT a émis des conseils en matière de politique à l'intention des ministères et organismes, par l'entremise de l'Avis de mise en œuvre de la Politique sur la sécurité (AMOPS 2015-01) du 16 décembre 2015 (copie jointe).

Cet Avis souligne les trois mesures à améliorer en matière de gestion de la sécurité en fonction des recommandations des 10 mesures de sécurité de la TI du CST : la mise en œuvre des rustines (correctifs) aux systèmes d'exploitation (SE) et aux applications; la gestion accrue des privilèges d'administrateurs; un renforcement des systèmes d'exploitation. L'adoption de pratiques rigoureuses par les ministères et les organismes à ces égards permettra de minimiser les intrusions ou les impacts d'une cyberattaque sur les réseaux. Nous avons demandé aux ministères et aux organismes de vérifier que leurs processus répondent aux exigences du gouvernement du Canada et d'adopter les rigoureuses pratiques établies.

Je tiens à réitérer qu'il est nécessaire que les priorités de sécurité de la TI soient établies et intégrées dans le cadre des activités ministérielles annuelles de planification de la sécurité et de la TI. En dernier lieu, je vous encourage fortement à discuter avec le dirigeant principal de l'information de votre ministère, l'agent de sécurité ministériel, le coordonnateur de la sécurité de la TI et d'autres agents ministériels compétents de la manière dont les activités de la sécurité de la TI appuient l'exécution de vos programmes et la prestation de vos services. J'ai également envoyé, en copie conforme, le présent message aux administrateurs généraux des sociétés d'État et leurs filiales, aux agents du Parlement (y compris la Commissaire à l'information), aux fondations et à certains organismes qui utilisent les deniers publics ou exercent des fonctions publiques, afin de les tenir au courant des mesures d'atténuation et de

les inviter à prendre part aux efforts que nous déployons pour sécuriser le gouvernement du Canada dans son ensemble.

Je vous remercie de votre collaboration soutenue pour renforcer la sécurité au sein du gouvernement du Canada.

Yaprak Baltacioğlu

Secretary of the Treasury Board of Canada
Treasury Board of Canada Secretariat / Government of Canada
Yaprak.Baltacioglu@tbs-sct.gc.ca / Tel: 613-369-3176 / Facsimile: 613-952-6596 / TTY: 613-957-9090

Secrétaire du Conseil du Trésor du Canada
Secrétariat du Conseil du Trésor du Canada / Gouvernement du Canada
Yaprak.Baltacioglu@tbs-sct.gc.ca / Tél: 613-369-3176 / Télécipieur: 613-952-6596 / ATS: 613-957-9090

**Pages 65 to / à 83
are withheld pursuant to sections
sont retenues en vertu des articles**

16(2)(c), 21(1)(b)

**of the Access to Information Act
de la Loi sur l'accès à l'information**



Government
of Canada

Gouvernement
du Canada

Publiservice | Services | Departments | Français

Treasury Board of Canada Secretariat

Canada

Departmental Activities | Policy and Oversight | Public service and military

Search

Home → Chief Information Officer Report → Security and Identity Management → Security Policy Implementation Notices

Ⓐ We are currently moving our web services and information to Canada.ca.

The Treasury Board of Canada Secretariat website will remain available until this move is complete.

Security Policy Implementation Notices

Improving Emergency Communications

As a follow-up to [SPIN 2002-23](#), departments/agencies are reminded to provide TBS with updated information on security contacts via the [Security Contact Lists](#).

To update necessary information, please complete the [template](#) and email your response to SEC@tbs-sct.gc.ca.

2015

- [2015-11-11 \(November 11, 2015\)](#)
Priority IT Security Actions (2015-16)
- [2015-07-06 \(July 6, 2015\)](#)
Government of Canada Cyber Security Event Management Plan (GC CSEMP)

2014

- [2014-07-01 \(July 1, 2014\)](#)
Standard on Security Screening
- [2014-04-11 \(May 20, 2014\)](#)
Secure use of portable storage media within the Government of Canada

News

[Communications](#)
[Events](#)
[Milestones](#)
[In focus](#)

Security protection is a shared responsibility

February 1, 2016

Shared Security – Defining roles and responsibilities to keep information technology infrastructure secure

The ever changing internet brings with it complex cyber security threats requiring the Government of Canada to be vigilant and have in place the systems and processes to protect email, data banks and networks and the Canadian data stored in those systems. Security protection is a shared responsibility among departments and security professionals are continuing to work together to reduce risk and quickly counter and deal with cyber threats and attacks.

To make sure the government is better able to respond quickly and effectively to incidents of tomorrow and beyond, Shared Services Canada (SSC), with the Treasury Board Secretariat's Chief Information Officer Branch, and its customer organizations, are working to define and understand their roles and responsibilities. This will position us to be better able to keep systems secure and to respond when a threat arises.

SSC is developing a responsibility assignment map that will be shared with customer organizations in February and March 2016, for input. SSC will then be able to map out a comprehensive snapshot of specific responsibility and accountability functions by role to ensure a coordinated response is delivered when needed.

"By defining roles and responsibilities for SSC and its customers, we are improving Information Technology (IT) security standards," explains Dinesh Mohan, Director General, Security Management. This mapping exercise helps to advance enterprise-wide accountabilities on IT security and to align SSC and partner responsibility."

At the end of the mapping exercise, the goal is for SSC and customer organizations to have a clear picture of how IT security is managed and operated at both the enterprise-level and within departments and agencies.

The responsibility assignment mapping exercise together with security safeguards such as the 24/7 Security Operations Centre demonstrate SSC's commitment to a collaborative partnership with customer organizations in delivering the Government of Canada's IT Transformation Plan.

[Terms and conditions](#) | [Transparency](#)

About us

[Governance committees](#)
[Organizational chart](#)

News

[Communiqués](#)
[Events](#)

Contact information

[Feedback](#)
[Partner and client support](#)

Stay connected

[Collaborative work](#)
[Field](#)